



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 4070 OF 2024
IN FA/801/2023

SAUDAGAR SAKHARAM KADAM AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD
AND ANR

Mr.A.R. Barate h/f. Mr. R.V. Naiknaware, Advocate for the applicants.
Ms.M.L. Sangit, AGP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 01.07.2024

PC :-

01. Heard learned Advocate for the applicants. This application is filed for withdrawal of the amount of compensation deposited by the appellant – acquiring body in this Court.

02. From the judgment of the Trial Court, it is seen that the learned SLAO had granted the amount @ Rs. 20,500/- per acre for Jirayat land as well as for Bagayat land. The learned Reference Court has awarded Rs.70,500/- for Bagayat land and Rs.47,000/- per acre for Jirayat land. This Court finds that the enhancement in the amount of compensation is within four times of the amount awarded by the SLAO. In view of the same, this Court is inclined to allow the application on certain terms. Hence, following order :-

ORDER

- (i) The applicants-claimants are allowed to withdraw 50% of the deposited amount with interest on undertaking that in-case the appeal is allowed, the applicants shall re-deposit the amount along with interest within 12 weeks from the date of such order. Further 25% of the deposited amount with interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (ii) The remaining 25% of the deposited amount shall be invested in fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iii) With this, the Civil Application stands disposed off.

[KISHORE C. SANT, J.]