



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 1319 OF 2023
IN FA/1545/2018

ZAHED BAIG HAIDER BAIG
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AURANGABAD AND ANR

...

Mr. V. G. Sakolkar, Advocate for the Applicant-claimant
Mr. D. B. Bhange, AGP for the Respondents State

CORAM : Y. G. KHOBRAGADE, J.
DATE : 22nd March, 2024

ORDER:

1. Heard both sides.
2. By the present application, the applicant-claimant prays for permission to withdraw remaining 50% amount deposited by the appellant-acquiring body.
3. On 17.10.2018, this Court passed the order in Civil Application No 8506 of 2018 and granted permission to the present applicant-claimant to withdraw 50% of the amount deposited by the appellant acquiring body on furnishing undertaking to the sanctification of the Registrar of this Court and balance 50% is invested in Fixed Deposit Receipt with the Nationalized Bank.
4. The present appeal arises out of enhanced compensation/ higher rate of land which have not been granted to other similarly

situated lands. Therefore, if the award is modified or varied, in that event, it would be difficult to recover the amount from the applicant/original claimant.

5. In view of the above, I do not find it appropriate to permit the present applicant to withdraw the remaining 50% amount.

6. The application is rejected. However, the said prayer can be considered at the time of final hearing.

(Y. G. KHOBRAGADE, J.)

JPChavan