



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1043 CIVIL APPLICATION NO. 9500 OF 2024
IN FA/3030/2021**

MAHADEV BHIMRAO INGLE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, OSMANABAD
AND ANR

Mr.A.D. Chapule h/f. Mr. N.P. Patil-Jamalpurkar, Advocate for the applicant.

Mr.K.B. Jadhavar, AGP for the respondent-State.

Mr.S.G. Bhalerao, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 05.09.2024

PC :-

01. Heard. This application is filed for withdrawal of the amount.

02. The application is vehemently opposed by learned Advocate Mr. Bhalerao for the respondent No. 3. He submits that the Reference Court while awarding the amount has granted interest under section 28 of the Land Acquisition Act, from the date of possession instead of date of award. Secondly he submits that the sale instances are considered from different village and thus the rate fixed is on higher side.

03. Considering the interest of the parties, this Court is passing following order :-

ORDER

- (i) The applicant is permitted to withdraw 50% amount along with accrued interest on furnishing usual undertaking.
- (ii) Further 25% amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining amount of 25% shall be invested in the fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.
- (iv) The civil application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]