



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 2375 OF 2024

IN FA/3204/2023

SAINAJI S/O KADUBA GHONGADE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AURANGABAD AND ORS

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Advocate for Applicants : Mr. Janapurkar Pradeep M.

AGP for Respondent/s-State : Mr. P. D. Patil.

Advocate for respective Respondent/s : Mr. S. G. Bhalerao.

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CORAM : S. G. MEHARE, J.

DATE : 22.03.2024

PER COURT :-

1. Heard the respective learned counsels.
2. The appellants seek leave to withdraw the amount of compensation deposited with this Court.
3. Learned counsel for the appellant submits that the applicants are not entitled to withdraw the amount because various legal grounds have been involved in the appeal. He would further submits that the learned Reference Court has granted the interest from the date of notification, which is contrary to the judgment of Full Bench of this Court.

4. The similar arguments were considered by this Court while passing an order on 20.02.2023 and the application was partly allowed. This Court has no reason to take an another view. Hence, the following order :

ORDER

- (i) Civil Application stands partly allowed.
- (ii) The applicants are allowed to withdraw 75% of the amount deposited with this Court with accrued interest on the undertaking that they would deposit the compensation amount with the Court if the impugned judgment and award is reversed.
- (iii) Rest of the amount be invested in the FDR in Nationalized Bank as per the rules.

(S. G. MEHARE, J.)

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vmk/-