



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO. 13369 OF 2024
IN FIRST APPEAL NO. 1688 OF 2023
WITH
CIVIL APPLICATION NO. 3278 OF 2020 IN FA/1687/2023
WITH
CIVIL APPLICATION NO. 3280 OF 2020 IN FA/1689/2023
WITH
CIVIL APPLICATION NO. 3282 OF 2020 IN FA/1688/2023
WITH
CIVIL APPLICATION NO. 3284 OF 2020 IN FA/1690/2023
WITH
CIVIL APPLICATION NO. 13371 OF 2024 IN FA/1690/2023
WITH
CIVIL APPLICATION NO. 13370 OF 2024 IN FA/1689/2023

BALIRAM SAKHARAM DHULSHETTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
LATUR AND OTHERS

...

Mr. Vivekanand V. Ingale – Advocate for Applicants
Mr. K.N. Lokhande – AGP for Respondents, State

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CORAM : KISHORE C. SANT, J.
DATE : 20th DECEMBER, 2024

PER COURT :

CIVIL APPLICATION NO. 13370 OF 2024
WITH CIVIL APPLICATION NO. 13371 OF 2024

1. These applications are filed for withdrawal of amount deposited by the acquiring body in the office of this Court. The enhanced compensation awarded by the learned Reference Court is amount of

Rs.1,26,252/- and Rs.3,22,523/- respectively. Since, the amounts are small amounts therefore, this Court is inclined to allow these applications.

2. Considering above, following order :

ORDER

- (a) These applications are allowed.
- (b) The applicants are permitted to withdraw entire amount alongwith accrued interest on furnishing usual undertaking.

CIVIL APPLICATION NO. 13369 OF 2024

3. Heard the parties.

4. Learned A.G.P. opposes the application. Considering that the land is acquired in the year 1995 and till the amount is not withdrawn as per amount enhanced by the learned Reference Court. This Court is inclined to allow the application. Considering above, following order :

ORDER

- (i) The applicants are permitted to withdraw 50% of the amount deposited in this Court alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount alongwith accrued interest is allowed to

be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. Remaining amount be kept in fixed deposit till final disposal of the appeal.

(ii) The Civil Application is accordingly disposed of.

**CIVIL APPLICATION NO. 3278 OF 2020
WITH
CIVIL APPLICATION NO. 3280 OF 2020
WITH
CIVIL APPLICATION NO. 3282 OF 2020
WITH
CIVIL APPLICATION NO. 3284 OF 2020**

5. Since the amounts are already deposited in this Court, there shall be stay to the impugned judgment and award till final disposal of the appeals.

6. The applications are accordingly disposed of.

**FIRST APPEAL NO. 1688 OF 2023
FIRST APPEAL NO. 1687 OF 2023
FIRST APPEAL NO. 1689 OF 2023
FIRST APPEAL NO. 1690 OF 2023**

7. Call for record and proceeding.

[KISHORE C. SANT, J.]