



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**923 CIVIL APPLICATION NO. 12287 OF 2024
IN FA/1099/2024**

SANDU DIGAMBAR MUNGSE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Swapnil Patunkar, i/b J. P. Legal Associates.
Advocate for Respondent No.1 : Mr. Shambhuraje V. Deshmukh.
AGP for Respondent/State : Ms. D. S. Jape.
...

AND
CIVIL APPLICATION NO. 4569 OF 2024
IN FA/1099/2024
...

CORAM : **KISHORE C. SANT, J.**
DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 Since the amount is already deposited in this Court, there shall be stay to the impugned judgment and order till the disposal of the appeal. The application stands disposed of.

Appeal:

3 Heard.

4 **Admit.**

5 Issue notice to respondents. Mr. Shambhuraje Deshmukh, learned counsel waives notice on behalf of respondent / claimant on admission.

6 The record and proceedings be called for.

Application for withdrawal of amount:

7 This application is for withdrawal of the amount deposited by the appellant / acquired body in the office of this Court.

8 The learned counsel for applicant submits that the total land admeasuring 29.75 R came to be acquired from CIDCO area, Waluj Mahanagar. The SLAO had granted total amount of Rs.2,18,365/-. The same is enhanced by awarding the rate of Rs.1,00,000/- per R by the Reference Court. He submits that considering that the award is of the year 2012, the Reference Court has rightly passed the award.

9 The learned counsel for the appellant / acquiring body vehemently opposes the application. He submits that the enhancement is more than ten times of the amount awarded by the learned SLAO, which is quite exorbitant.

10 Considering the above, this Court finds that the following order would meet the ends of justice. Hence, the following order:-

ORDER

- I. The applicant is permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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