



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 5384 OF 2024
IN FA/558/2024
WITH
CIVIL APPLICATION NO. 5385 OF 2024
IN FA/559/2024
WITH
CIVIL APPLICATION NO. 5386 OF 2024
IN FA/557/2024

Baliram Tulshiram Devkare Died Thr Lrs Suryakala And Others
VERSUS
The State Of Maharashtra Through The Collector Latur And Other

...
Advocate for Applicant : Mr. Subhash S. Chillarge
AGP for Respondent-State : Mr. G.O. Wattamwar
...

CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. Civil Application Nos. 5384/2024 and 5385/2024 are filed by original claimants for withdrawal of amount of compensation deposited by the appellant/Acquiring Body in this Court.
3. The learned advocate for the applicants/claimants submits that though there is award in favour of the applicants by the Reference Court, they have been deprived of the amount of compensation because of the pendency of the appeal in this Court and as there is stay granted by this Court. He, thus, prays for withdrawal of amount.
4. The learned AGP vehemently opposes the application, stating that the Reference Court has not properly considered the sale

instances and has wrongly arrived at the figure of compensation.

5. On going through the judgment, prima facie, it is seen that the learned Reference Court has relied upon two sale deeds, Exhs. 24 and 25 from village Sukani, adjacent to village Kini, Taluka Jalgaon wherein the lands were sold at the rate about Rs.2916/- per R. and Rs. 3114/- per R., respectively, in the year 1995. In the present case, notification was issued on 2.5.1996. The Reference Court thus considered 10% increase per year in the value of lands and has awarded compensation at the rate of Rs. 3207/- per R. and Rs. 3425/- per R., respectively. This Court prima facie finds that there is no mistake committed by the learned Reference Court. This Court is, therefore, inclined to allow the applications in the following terms.

6. The applicants are permitted to withdraw 75% of the amount deposited by the Appellant/Acquiring Body in this Court along with accrued interest on furnishing an undertaking that in case, the appeal is allowed, the applicants shall re-deposit the amount in this Court within twelve weeks thereafter. Applicants are also permitted to withdraw remaining 25% amount deposited by the Appellant/Acquiring Body in this Court along with accrued interest on furnishing security/bank guarantee to the satisfaction of the Registrar Judicial of this Court. With these observations, the applications stand allowed and disposed of.

7. In Civil Application No. 5386/2024, the learned advocate for the applicants submits that one of the applicant is no more and he needs

to file an application for bringing the legal heirs of deceased applicant on record. Applicants to make necessary application and thereafter move the present civil application.

(KISHORE C. SANT, J.)

ssc/