



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO. 4478 OF 2024
IN FA/492/2023

PADMINBAI MAHADA PANDHARE-DIED THR LRS NAMDEV DIED THR LRS
PARVATIBAI AND ORS

VERSUS

THE EXECUTIVE ENGINEER LATUR MINOR IRRIGATION DIVISION LATUR
AND ANR

Mr.L.C. Patil, Advocate for the applicants.

Mr.M.C.Swami, Advocate for respondent No.1.

Mr.S.K.Shirse, AGP for the respondent/State.

CORAM : KISHORE C. SANT, J.

DATED : 19.06.2024

PC :-

01. Heard parties. This application is preferred by the heirs of the original claimant for withdrawal of the amount deposited by the acquiring body in this Court in the appeal.

02. The application is opposed by the learned Advocate for the appellant. He submits that in-fact the main dispute is in respect of grant of award under section 28 of the Land Acquisition Act. In the impugned award, the learned Reference Court has awarded interest from the date of possession instead of the date of award by the learned Reference Court. He submits that there is good ground to succeed in the appeal.

03. The learned Advocate for the applicants submits that though interest is directed to be granted from the date of possession, however, the

appellant while depositing the amount, has deposited the amount by calculating interest from the date of award. This position is disputed by the learned Advocate for the appellant.

04. Be it may as it is, this Court finds that sufficient care can be taken of the interest of the parties by directing the office of this Court to allow the applicant to withdraw 80% of the amount deposited by the appellant in this Court along with interest accrued thereon.

05. It is submitted by the applicants that the applicants are more in number and therefore they have authorized applicant No.1-f ie Vishwas Namdeo Pandhare, applicant no-2 ie Tukaram Mahada Pandhare, applicant No. 3-b ie Rahul Ramchandra Pandhare, applicant No. 4-b i.e Vinod Ashok Pandhare and applicant No-5 Shantabai Navnath Burle to withdraw the amount. They have no objection to transfer the amount in the account of above persons for the purpose of convenience. Hence, the following order :-

- i. The application is partly allowed.
- ii. The applicants are entitled to withdraw 80% of the amount deposited by the appellant in this Court.
- iii. The Registry to transfer the amount in the account of persons mentioned in prayer clause (C).
- iv. The amount be disbursed on furnishing usual undertaking.

[KISHORE C. SANT, J.]