



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO. 5516 OF 2024
IN FA/3543/2023

VISHWANATH SHIVAJI SHANKARE
VERSUS
THE INSPECTOR GENERAL BSF STC BSF CHAKUR
THROUGH DID BSF INDOOR MP AND ORS

...
Advocate for Applicant : Mr. Bide Dnyaneshwar A.
Advocate for Respondent No. 1 : Mr. A.G. Talhar
AGP for Respondents/State : Mr.G.O. Wattamwar
...

CORAM : KISHORE C. SANT, J.

DATE : 18th JUNE, 2024.

PER COURT :

1. Heard the parties.
2. This application is by the Original Claimant for withdrawal of the amount of compensation deposited in this Court.
3. It is argued by the learned Advocate for the applicant that the learned SLAO had granted compensation @ 1240/- per R. The learned Reference Court has enhanced the said amount

to Rs. 5213/- per R, which is slightly more than four times. He further submits that infact the sale instance relied upon by the Claimant shows the rate as Rs. 8,000/- per R. The learned Reference Court has reduced the amount and has granted only 65% of the amount on the sale instance. He thus, submits that the Claimant is entitled to withdraw 100% of the amount.

4. Learned Advocate Mr. Talhar, vehemently opposes the application stating that if the amount is allowed to be withdrawn, it would be difficult to recover the said amount, in case the appeal is allowed. He submits that there are more grounds involved in this appeal.

5. Considering the submission and mainly the fact that the amount of enhancement is slightly more than four times. This Court is inclined to allow the application on furnishing undertaking, hence the following order :

ORDER

- a) The application is allowed and disposed off.
- b) The applicant is allowed to withdraw the entire amount with interest accrued on it i.e. 80% on usual undertaking and 20% on giving solvent surety/security to the satisfaction of the Registrar,

(Judicial) of this Court.

**(KISHORE C. SANT)
JUDGE**

mahajansb/