



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 6290 OF 2024
IN FA/1542/2023

Kadubai Abbaskha Pathan Died Through Lrs 1 Rabbani Abbas Pathan And
Ors
VERSUS

The State Of Maharashtra Through The Collector Collector Office Jalna And
Ors

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Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondent/State : Mr. D.B. Bhanghe
Advocate for Respondent 2 : Mr.S. G. Bhalerao
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CORAM : KISHORE C. SANT, J.
Dated : July 04, 2024

PER COURT :-

1. Heard the learned advocates for the parties for some time.
2. This application is filed by the original claimants/respondents in the appeal for withdrawal of amount deposited by the appellant in this Court.
3. The application is vehemently opposed by Mr. Bhalerao, learned advocate for the Acquiring Body. Mr. Bhalerao, learned advocate submits that in the present case, it is the ground taken that while awarding interest u/s. 28, the Court has awarded the same from the date of taking possession and not from the date of notification. He, thus, submits that some security be taken from the applicant while withdrawing the amount.
4. Mr. A.B. Kale, learned advocate for the applicants has produced on record a copy of the order dated 19th June 2023 passed by this Court in Civil Application No.7210/2023 in First Appeal No. 861/2023, arising out of the same acquisition proceeding from the same project. This Court, on considering prima facie case, permitted the applicants therein to withdraw

the entire amount along with accrued interest on furnishing usual undertaking. This Court finds that the enhancement is slightly more than five times of the rate awarded by the learned SLAO and also in view of the above order dated 19.6.2023, this Court is inclined to allow the application on the same terms. Hence, the order.

ORDER

(i) The application is allowed. The applicants are permitted to withdraw the entire amount along with accrued interest thereon deposited in this Court on furnishing usual undertaking. With this, the application stands disposed of.

(KISHORE C. SANT, J.)

ssc/