



This order is corrected in view of the order speaking to minutes dated 09.10.2024.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 10073 OF 2024
IN FAST/20093/2023

WITH

CIVIL APPLICATION NO. 10072 OF 2024
IN FAST/20090/2023

WITH

CIVIL APPLICATION NO. 10074 OF 2024
IN FAST/20084/2023

WITH

CIVIL APPLICATION NO. 8404 OF 2023
IN FAST/20093/2023

WITH

CIVIL APPLICATION NO. 8409 OF 2023
IN FAST/20090/2023

WITH

CIVIL APPLICATION NO. 8406 OF 2023
IN FAST/20084/2023

WITH

CIVIL APPLICATION NO. 8410 OF 2023
IN FAST/20080/2023

WITH

CIVIL APPLICATION NO. 8411 OF 2023
IN FAST/20080/2023

WITH

CIVIL APPLICATION NO. 8407 OF 2023
IN FAST/20084/2023

WITH

CIVIL APPLICATION NO. 8408 OF 2023
IN FAST/20090/2023

SOMA S/O SAKHARAM MUTHE THROUGH LRS GITABAI SOMA
MUTHE AND ORS

VERSUS

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO 2,
GHULEWADI AND ANR

...

Advocate for Applicant : Mr. Bide Dnyaneshwar A.

AGP for Respondents/State : Mr. P.D.Patil
Advocate for Respondent No. 1 : Mr. Akash D. Gade
...

CORAM : KISHORE C. SANT, J.
DATE : 04.10.2024.

PER COURT :

1. Heard the parties.
2. These applications are for withdrawal of the amount deposited by the Acquiring Body in the office of this Court.
3. It is seen that the learned SLAO has granted compensation @ 500/- per R. The learned Reference Court has enhanced the same to Rs. 2200/- per R. Thus, the amount is in excess of Rs. 200/- per R which of four times.
4. Learned Advocate Mr. **Akash Gade** opposes the applications by submitting that the concerned Court has also awarded an interest under Section 28 from the date of possession and the amount is also huge amount.

5. The land was taken in possession in 1997 He further submits that thus the appellant is required to deposit the amount by calculating the interest for 6 years as well. He thus, opposes the application saying that entire amount need not be allowed to be withdrawn.

6. Considering the rival submissions, this Court is inclined to pass following order :

ORDER

(i) The Civil Applications stand allowed and disposed off.

(ii) The applicants are permitted to withdraw 75% of the amount by giving usual undertaking to the satisfaction of Court of CJSD, Sangamner.

(iii) The remaining amount be kept in Fixed Deposits in any nationalized Bank to be renewed from time to time till final disposal of the appeal.

(iv) For the purpose of withdrawal of the amount the amount be transferred to the reference Court, Sangamner.

(v) The learned Civil Judge Senior Division, Sangamber shall allow the applicants to withdraw the amount on furnishing usual undertakings to the effect that if the appeals are allowed, the applicants shall re deposit the said amount alongwith interest from the date of such judgments in that Court within 12 weeks from such judgments.

(vi) The remaining amount be kept in Fixed Deposits by the office of this Court in any any nationalized bank to be renewed from time to time till final decision of the appeal.

DELAY

1. For the reasons recorded in the applications, except application No. **8410 of 2023 in FAST 20080 of 2023** the applicants are allowed and disposed off. Delay stands condoned.
2. Office to register the First Appeals.

STAY

1. Since the amount is already deposited in the office of

this Court, these applications are allowed in terms of prayer Clause (B).

2. The applications stand disposed off.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 17.01.2025.

2. Mr. Bide waives service of notice for respondents/Claimants.

**(KISHORE C. SANT)
JUDGE**

mahajansb/