



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**907 CIVIL APPLICATION NO. 10748 OF 2024
IN FA/4134/2022**

VANARASIBAI UTTARESHWAR GHUMBRE AND ANR
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION AMBAJOGAI DIST. BEED AND
ANR

...
Advocate for Applicant : Ms. Deepali S. Patil, h/f Mr. Sachin S. Deshmukh.
Advocate for Respondent No.1 : Mr. B. R. Survase.
AGP for Respondent No.2 / State : Mr. K. B. Jadhavar.
...

AND
**CIVIL APPLICATION NO. 8828 OF 2022
IN FA/4134/2022**

EX. ENGINEER, MINOR IRRIGATION UNDER G.M.I.D.C., AURANGABAD
AND ANR
VERSUS
VANARASIBAI UTTARESHWAR GHUMBRE AND ANR

...
Advocate for Applicant : Mr. B. R. Survase.
AGP for Respondent/State : Mr. K. B. Jadhavar.
Adv. for Respd. Nos.1 & 2 : Ms. Deepali S. Patil, h/f Mr. Sachin Deshmukh.
...

CORAM : **KISHORE C. SANT, J.**

DATE : 14th November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 The learned counsel for the appellant submits that the entire amount of compensation as awarded by the Reference Court is

deposited in this Court alongwith interest. In view of the same, there shall be stay to the impugned judgment and order till final disposal of the appeal.

Appeal:

3 Heard.

4 **Admit.**

5 Issue notice to respondents. Mr. Sachin S. Deshmukh, learned counsel waives notice for respondent Nos.1 and 2 on admission.

6 The record and proceedings be called for.

Application for withdrawal of amount:

7 This application is for withdrawal of the amount of compensation deposited in this Court by the acquiring body. The learned counsel for the applicants relies upon the order dated 12th August, 2015 passed by this Court in Civil Application No.7200 of 2015. She, thus, prays that the applicants be allowed to withdraw 80% of the compensation amount deposited in this Court.

8 The application is vehemently opposed by Mr. Survase, learned counsel for the acquiring body. He submits that in the present case, the Court has awarded compensation even towards the trees. The learned SLAO had awarded the amount @ Rs.345/- per R, which is

increased to Rs.2655/- per R, which is quite exorbitant. He further submits that in the order, which is relied upon by the learned counsel for applicants, there was no question of trees' compensation. However, this submission is not acceptable to the learned counsel for the applicants. She submits that in some of the applications in the earlier order, there was also a compensation awarded for the trees.

9 Being as it is, this Court finds that since this Court already passed an order allowing the applicants therein to withdraw 80% of the amount, it would be in the interest of justice to allow the present applicants also to withdraw 80% of the amount. Hence, the following order:-

ORDER

- I. The applicants are permitted to withdraw 70% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 10% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]