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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**113 CIVIL APPLICATION NO. 5012 OF 2024
IN FA/1039/2022**

VITTHAL TUKARAM BHORE

....Applicant

VERSUS

**MAHARASHTRA K. V. D. C. LTD. THR EX. ENGINEER,
OSMANABAD MED. PRO. DIV. AND ORS**

.....Respondents

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

Mr. A. S. Shelke, Advocate for respondent No.1

Mrs. R. R. Tandle, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2024

P. C.

1. Heard.

2. This application is for withdrawal of amount by the original claimant. The amount is deposited in this court by the appellant/acquiring body pursuant to the impugned judgment and award.

3. The application is heavily opposed by the learned AGP. He submits that the amount of compensation is increased by eight times than awarded by the learned SLAO. The acquired land is only 16 R. Considering that enhancement is huge. He further submits that if the amount is withdrawn, it would be difficult to recover the said amount from the claimants/applicants.

4. Mr. Patil, learned advocate submits that amount deposited is only 75% of the amount of total award.

5. Considering that amount is only Rs.3,80,000/- this court finds that, keeping the amount idle is not in the interest of any of the parties. The applicant has lost the land. Considering the above, this court finds that amount can be allowed to be withdrawn on certain conditions. Hence, the following order:

ORDER

a] The applicant is allowed to withdraw the entire amount alongwith accrued interest on

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furnishing undertaking that in case the appeal is allowed, he shall re-deposit the said amount within twelve weeks alongwith accrued interest in the office of this court.

b] The applications stands disposed off.

[KISHORE C. SANT, J.]

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