

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 7264 OF 2024
IN
FIRST APPEAL NO. 500 OF 2024**

Vishwas @ Vishwanath Dhondiram Salunkhe ... Applicants
(Since Deceased) Thr. Lrs. Kalabai Vishwas
Salunkhe And Ors

IN THE MATTER BETWEEN

Executive Engineer, Tarali Dam Division, Satara ... Appellant

Vs.

Vishwas @ Vishwanath Dhondiram Salunkhe ... Respondents
(Since Deceased) Thr. Lrs. Kalabai Vishwas
Salunkhe And Ors

Adv. Chaitrali Anand Deshmukh, for the Appellant.

Adv. Rananaware Dhananjayrao D., for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 15th APRIL, 2024

P.C.:-

1. Heard. This Application is filed seeking withdrawal of the amount of compensation that is deposited by the Respondent in the Reference Court in Execution Proceeding No. 25 of 2018. The total amount deposited is Rs. 40,73,688/- on 08.11.2023.

2. The SLAO had granted the amount at the rate of Rs. 570/- per R. The same is enhanced to Rs. 2046/- per R. This Court finds that the said

amount is within 4 times of the amount awarded by the SLAO. Since the Applicant's land is acquired and the amount is towards the compensation of that acquisition, this Court finds that it would be in the interest of justice to allow the Application to withdraw the amount. Hence the following Order.

ORDER

- a) The Applicant shall be entitled to withdraw the 50% of the amount of deposit by furnishing an undertaking that in case the Appeal is allowed. The Claimant shall deposit the amount of withdrawal along with interest within 8 weeks from the Judgment in equal proportion.
- b) 25% of the total deposit shall be allowed to be withdrawn on furnishing security to the satisfaction of the Executing Court/Reference Court.
- c) The Reference Court is directed to pass necessary orders and allow the Applicants to withdraw the amount in equal share.
- d) 25% amount to be kept in a fixed deposit in the nationalized bank and be renewed from time to time till the Appeal is decided.

3. The Interim Application stands disposed of.

(KISHORE C. SANT, J.)