

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

937 CIVIL APPLICATION NO. 590 OF 2025
IN FA/3223/2023

Kalawatibai Rangnath Karad Thruough L Rs Elwant Rangnath Karad
Through L Rs Shantabai And Ors

VERSUS

The Executive Engineer Minor Irrigation Division Nanded Vishnupuri
Project Division No 2

...

Mr. S. V. Kurundkar - Advocate for Applicant

Mr. S. G. Bhalerao - Advocate for Respondent - sole

...

WITH

CIVIL APPLICATION NO. 2888 OF 2024 IN FA/3223/2023

FIRST APPEAL NO. 3223 OF 2023

CIVIL APPLICATION NO. 8181 OF 2023 IN FA/3223/2023

FIRST APPEAL NO. 1278 OF 2022

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CORAM : R. G. AVACHAT

AND

NEERAJ P DHOTE, J.

DATED : 16th JANUARY, 2025

PER COURT : -

1. This Application is filed for withdrawal of the amount deposited by the Acquiring Body, pursuant to the impugned Award.

2. Learned Advocate for the Applicants submits that, as per the directions of this Court, the Acquiring Body has deposited 50% amount of the Award. He relies on the order dated 01.09.2023 passed by this Court in Civil Application No. 7567 of 2023 in First Appeal No.3485 of 2022, whereby the Applicants therein were allowed to withdraw the amount to the extent of 72.56%.

3. The Application is opposed by the learned Advocate appearing for the Acquiring Body. He submits that the separate compensation has been awarded for trees and consequently there is difference in the numbers of trees therefore, the Acquiring Body has good case in the Appeal. He submits that the application be rejected.

4. The Acquiring Body has deposited Rs. 4.5 Crore and odd amount. In view of the order dated 01.09.2023, we permit the Applicants to withdraw the amount in the same ratio as was permitted as referred in para no. 2 above, which comes to the extent of Rs.3,15,03,508/- [Rupees Three Crore Fifteen Lakh Three Thousand Five Hundred and Eight]. Out of the said amount, 50% amount is allowed to be withdrawn by the Applicants on submitting undertaking and remaining 50% on furnishing security to the satisfaction of the concerned authority i.e. Registrar (Judicial) of this Court.

5. Civil Application No. 590 of 2025 stands disposed of.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde