



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 926 OF 2025
IN FIRST APPEAL NO. 3094 OF 2022
WITH
CIVIL APPLICATION NO. 5184 OF 2022 IN FA/3094/2022

KASHINATH S/O MAHADEO KARPE (DIED) LRS DNYANESHWAR
AND ANOTHER

VERSUS

THE EXECUTIVE ENGINEER BEED IRRIGATION DIVISION BEED
AND OTHERS

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Mr. Abhijeet v. Thombre – Advocate for Applicants
Mr. Ruturaj C. Patil – Advocate for Respondent No.1
Mr. Rajdeep D. Raut – AGP for Respondent Nos.2 and 3, State

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 22nd JANUARY, 2025

PER COURT :

CIVIL APPLICATION NO. 926 OF 2025

1. Heard learned advocates for the applicants and respondent No.1 and learned A.G.P. for respondent Nos.2 and 3, State.

2. This is an application filed for withdrawal of the amount deposited by the acquiring body in this Court. The learned advocate for respondent No.1 submits that, the appeal is preferred only on the ground that the statutory benefits are not properly awarded. The dates are wrongly considered for awarding interest under Section 23(1) of the Land Acquisition Act.

3. Considering the above, sufficient care can be taken by allowing the applicants to withdraw only part of the amount. Hence, following order :

ORDER

(a) Application is allowed.

(b) The applicants are permitted to withdraw 80% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.

(c) The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

(d) The application is disposed of.

4. List Civil Application No.5184 of 2022 on 27th January, 2025.

[SANJAY A. DESHMUKH]
JUDGE