



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 6651 OF 2025
IN FA/450/2025

RAJARAM DATTAJI DALVE PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Shrikant Sonkawade.
AGP for Respondents/State : Mr. B. A. Shinde.
Advocate for Respondent No.3 : Mr. B. R. Surwase.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 03.07.2025

PER COURT :-

1. Heard respective learned counsels.
2. Learned counsel for the applicant is seeking withdrawal of amount of Rs.1,13,74,818/-. In pursuance of the order passed on 05.12.2024 directing the respondent/acquiring body to deposit 100% amount with accrued interest towards land and 50% towards trees and the same has been deposited by the acquiring body. It is contended by the applicant that in the similarly placed matters, the acquiring body did not prefer appeal. They are praying for withdrawal of entire amount.
3. Learned counsel Mr. Surwase appearing for respondent/acquiring body submits that the interest has wrongly been granted from the date of possession. It should have been from

the date of award. He further submits that compensation towards trees is exorbitant and perverse.

4. I have considered rival submissions of the parties. It is not possible to accept the request of the applicant for permission to disburse entire amount of compensation. However, only 50% of the compensation awarded towards trees has been deposited and 50% has been secured. I find it fit to permit them to receive 85% on furnishing undertaking.

5. Civil application is allowed partly permitting the applicant to receive 85% of the compensation deposited in this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial). Balance amount shall be invested in any Nationalized Bank.

In First Appeal

6. This appeal shall be heard along with First Appeal No.2841 of 2024.

(SHAILESH P. BRAHME, J.)

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vmk/-