



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

46 CIVIL APPLICATION NO. 7781 OF 2025
IN FIRST APPEAL NO. 2388 OF 2024

BHIMASHANKAR MASNAPPA HEBLE DIED THROUGH L.RS.
SAVITRIBAI AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER AND OTHERS

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Mr. Vikram R. Dhorde – Advocate for Applicants

Mr. Rahul A. Tambe – Advocate for Respondent No.1

Mr. B.A. Shinde – AGP for Respondent Nos.2 and 3, State

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CORAM : SHAILESH P. BRAHME, J.

DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. This is an application filed for withdrawal of amount deposited by respondent No.1 – acquiring body in pursuance of the order dated 08.12.2023. Respondent No.1 – acquiring body has deposited amount of Rs.3,68,82,627/- towards 50% under award with accrued interest. For the reasons stated in the application, the same is sought to be withdrawn.
3. Learned Counsel for respondent No.1 opposes the application and submissions of the applicants. He would submit that enhancement of the rate awarded by the reference Court is shocking

and on extremely high side. The valuer's report for the trees and the structure was relied. It is submitted that, on reasonable compensation has been granted amount.

4. I have considered the rival submissions of the parties. By the previous order dated 08.12.2023, this Court, in all probabilities, considering the objections of the acquiring body, directed it to deposit 50% of the compensation with accrued interest. I find that care has already been taken to safeguard the interest of the applicants. The interest of the applicants also needs to be balanced. I therefore, find it fit for the applicants to receive the amount deposited in this Court.

5. Civil Application is allowed by permitting the applicants to receive the amount deposited in this Court with accrued interest on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The application is accordingly disposed of.

[SHAILESH P. BRAHME]
JUDGE

Pooja Kale