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933-CA-178-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

933 CIVIL APPLICATION NO. 178 OF 2025  
IN FAST/27368/2023

Bhopat Jairam Naglot And Another  
VERSUS  
The State Of Maharashtra Through The Collector And Others  
WITH  
CIVIL APPLICATION NO. 12927 OF 2023  
IN FAST/27368/2023  
WITH  
CIVIL APPLICATION NO. 12928 OF 2023  
IN FAST/27368/2023

...

Mr. Pradeep Manikrao Janapurkar, Advocate for Applicant.  
Mr. Ram B. Deshpande, Advocate for Respondent No.3.  
Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.  
DATE : 7<sup>th</sup> OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. Civil Application No.12927/2023 is filed for condonation of delay of 1430 days caused in filing the first appeal by the Appellant Acquiring Body.

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3. For the reasons stated in the application, delay stands condoned. Application is allowed. Office to register first appeal.
4. With this, civil application stands disposed off.

#### **WITHDRAWAL**

5. Heard the learned Advocates for the parties.
6. This application is moved for withdrawal of the amount of compensation awarded towards trees. While enhancing the compensation, the learned Reference Court enhanced the amount of compensation for land. The said enhancement, to the extent related to land, is only twice the amount awarded by the SLAO. The remaining enhancement is for the compensation towards trees. So far as the compensation for land is concerned, the applicants have already been permitted to withdraw the said amount by earlier order. However, the said amount has not yet been withdrawn.
7. The learned Advocate, Mr. Deshpande, vehemently opposed the application. He submits that so far as the enhancement of land compensation is concerned, there is no challenge. There is serious

challenge to the enhancement so far as compensation towards trees is concerned.

8. This Court, by earlier order, had directed the applicants to produce the valuer's report and deposition of the claimant for consideration of this application. The applicants have now produced on record a copy of valuer's report and the claimant's deposition.

9. This Court has *prima facie*, gone through the valuer's report and also the deposition of the claimant. The total amount now deposited in the Court is Rs.1,37,08,780/-.

10. Considering above, following order:

### **ORDER**

(i) The application is partly allowed.

(ii) The applicants are permitted to withdraw 50% of the amount in total amount, including the amount already permitted to be withdrawn, alongwith accrued interest on furnishing usual undertaking.

(iii) Further 25% of the amount with accrued interest of the

deposited amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iv) The remaining amount be kept in fixed deposited in any nationalized bank till final disposal of the first appeal.

(v) With this, civil application stands disposed off.

#### **STAY APPLICATION**

11. Since the applicant has already deposited the entire amount alongwith interest in the office of this Court as per impugned judgment and award, there shall be stay to the impugned judgment and award till final disposal of the first appeal.

12. With this, civil application stands disposed off.

#### **FIRST APPEAL**

13. Heard.

14. Admit.

15. Call for record and proceeding.

16. Learned Advocate Mr. Janapurkar waives service of notice for

respondent.

17. Learned AGP waives service of notice for Respondent-State.

[KISHORE C. SANT, J.]