



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

**CIVIL APPLICATION NO. 10572 OF 2022
IN FA/658/2012**

Mangalbai Raghunath Lakade

.. Applicant

Versus

The State Of Maharashtra And Others

.. Respondents

Mr. Balasaheb K. Pawar, Advocate for the Applicant.

Mr. R. B. Dhaware, AGP for Respondent Nos. 1 and 2.

Mr. B. R. Survase, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATE : 02nd JULY, 2025.

PER COURT :-

. Heard.

2. This application is for withdrawal of the amount. The learned advocate for the applicant informs that, this Court in similar first appeals arising out of the same issue has dismissed the first appeals i.e. First Appeal No. 4622/2017 along with other connected first appeals by order dated 15.07.2019. He thus prays for allowing the applicant to withdraw the entire amount.

3. A request is vehemently opposed by the learned advocate for the acquiring body. He submits that, in the present case, the amount

of compensation is enhanced even in respect of the trees, structure and therefore, there is serious dispute about the amount of compensation.

4. Considering the above, this Court is inclined to partly allow the application in following terms :

5. The applicant is entitled to withdraw 50% of the amount along with accrued interest on furnishing undertaking that, in case, appeal is allowed, the applicant shall re-deposit the amount along with interest within six weeks from the date of such judgment. 25% of the amount is allowed to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be deposited in a fixed deposit in any nationalised bank till disposal of the appeal.

6. The civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.