



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

**CIVIL APPLICATION NO. 3254 OF 2025
IN FA/2115/2024**

1 UTTAM RAYASJI BHUJANG AND ORS

VERSUS

**THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
NEAR MOTIBAG OLD JALNA AND ORS**

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Mr. Ajeet Babanrao Kale, Advocate for Applicants.

Mr. S. P. Joshi, AGP for Respondents-State.

Mr. Ram B. Deshpande, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 25th APRIL, 2025.

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. By this application, applicants are seeking permission to withdraw amount deposited by respondent/Acquiring Body in pursuance to award passed by Reference Court.
3. Mr. Kale, learned Advocate appearing for applicants points out that respondents/Acquiring Body has deposited 60% of compensation amount in pursuance to direction given by this Court. Therefore, he seeks permission to withdraw entire amount for which applicants are ready to file requisite undertaking.
4. Mr. Deshpande, learned Advocate appearing for respondent no.1 endeavours to contend that there is no evidence whether trees planted were fruit bearing trees. Even he doubts if such trees can be planted in acquired land.
5. Although arguable points are raised for consideration in this Appeal, fact remains that Acquiring Body has deposited only 60%

of the amount. Therefore, assuming some merit in contentions of respondents, applicants/claimants cannot be deprived from receiving part of compensation amount deposited by Acquiring Body. In result, Civil Application is **allowed**.

6. The applicants are permitted to withdraw amount deposited by respondent/Acquiring Body alongwith accrued interest thereon subject to condition that they file an usual undertaking to the satisfaction of Registrar (Judicial) of this Court they shall redeposit the amount in case any adverse order is passed in Appeal. The undertaking to be filed within a period of ten weeks from today and it shall be made part of Appeal compilation.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025