



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CIVIL APPLICATION NO. 670 OF 2026
IN FA/490/2026
WITH
CIVIL APPLICATION NO. 7283 OF 2024
IN FA/490/2026

SUBABAI BHAGWAN KALE DIED THROUGH HER LEGAL
REPRESENTATIVES RAMA BHAGWAN KALE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION

...

Advocate for Applicant : Mr. Manoj Dharmaraj Shinde
Advocate for Respondent No. 1 : Mr. N.D. Raje

...

CORAM : SHAILESH P BRAHME, J.

DATE : 06.03.2026

PER COURT :

Heard both sides.

2. The applicants seek to withdraw amount of Rs. 9,68,846/- deposited by the respondent-Acquiring Body.
3. It is submitted by learned counsel Mr. Shinde that for fruit bearing trees compensation to the extent of 20% of the valuation by private valuer has been granted which is inadequate. As against that learned counsel Mr. Swami for respondent no. 1 submits that enhancement is more than seven times.
4. I find that in the given facts and circumstances, it would be appropriate to withhold 20% of the amount deposited by the Acquiring Body.
5. Civil Application is allowed partly permitting the applicants to receive

80% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

FIRST APPEAL :

6. **Admit.** Learned counsel Mr. Shinde wifes service for respondent/ Claimant. Learned A.G.P waives service for respondent nos. 2 and 3.

7. Call for record and proceedings.

8. Print is dispensed with.

CIVIL APPLICATION FOR STAY

9. As the entire amount has been deposited by the Acquiring Body, interim relief granted earlier shall stand confirmed.

10. Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-