

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CA/6617/2014 IN FAST/7509/2014 WITH CA/6619/2014 IN
FAST/7560/2014 WITH CA/6621/2014 IN FAST/7564/2014 WITH
CA/6623/2014 IN FAST/7569/2014 WITH WITH CA/6625/2014 IN
FAST/7574/2014

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND ANOTHER
VERSUS
ISHWAR RAOSAHEB BHANDE

...

Advocate for Applicants : Mr. S.P. Sonpawle, Assistant Govt. Pleader
Advocate for respondents : Mr. V.G. Sakolkar.

CORAM : A.M. BADAR, J.
DATE : 1ST DECEMBER, 2015.

PER COURT:

1] Heard learned AGP for applicant and learned counsel for non applicants. Learned AGP submits that by the impugned judgment and award, learned Reference Court has awarded double compensation to the land under fruit bearing trees. In his submission, no separate compensation can be awarded to the claimant in respect of land as well as fruit bearing trees. He further argued that for assessing compensation of fruit bearing trees, average yield from from ought to have been considered by the learned Reference Court.

2] Submissions made by learned AGP can be considered at the stage of final hearing of the appeal. However, the impugned award being a money decree, cannot be stayed unless and until the entire amount thereunder is deposited in this court. Hence, the following order :-

[a] The impugned judgment and award is stayed till disposal of the appeal on condition that the applicants should deposit the entire amount under the award in the Registry of this Court within a period of 3 months.

[b] Application accordingly disposed of.

[A.M. BADAR, J]

grt/-