

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2498 OF 2014
IN
CIVIL APPLICATION NO.1763 OF 2011
IN
FIRST APPEAL NO.423 OF 2012

Cawas Rustom Nazir & Anr. Applicants
V/s.
State of Maharashtra & Anr. Respondents

Mr. S.A.K. Najam-es-sani, i/by M/s. Maneksha &
Sethna, for the Applicants.

Mr. A.R. Patil, A.G.P., for Respondent No.1/State.

Mr. Vijay Dinkarrao Patil for Respondent No.2.

CORAM : ABHAY S. OKA &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 6TH APRIL, 2015.

P.C. :

1. Heard learned Counsel appearing for the Applicants, learned A.G.P. for the 1st Respondent and learned Counsel appearing for the 2nd Respondent.

2. The Applicants are the Appellants. A reference under Section 18 of the Land Acquisition Act, 1894 was made at the instance of the Applicants for enhancement of compensation. The Reference has been partly

allowed by the impugned Judgment and Award, and enhancement in the compensation has been granted. First Appeal No.423 of 2012 preferred by the Applicants is for grant of further enhancement. It is an admitted position that the impugned Award has not been challenged by the 1st and 2nd Respondents. Therefore, the Applicants are entitled to withdraw the amount payable as per the impugned Judgment and Award.

3. Accordingly, the Civil Application is allowed in terms of prayer clause (a).

4. If the Respondents have not deposited the entire amount due and payable as per the impugned Judgment and Award, it will be open for the Applicants to file appropriate execution proceedings before the appropriate Court for recovery of the said amount.

5. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ABHAY S. OKA, J.]