

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

72 CIVIL APPLICATION NO.12836 OF 2018
IN FA/1702/2016 WITH FA/1701/2016 WITH CA/12838/2018 IN
FA/1704/2016 WITH CA/12839/2018 IN FA/1703/2016

GAJANAN UKARDU SHINDE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH
CA/1240/2019 IN FA/1704/2016

GANGUBAI GOVINDA GADHAVE (DIED) THR.LRS. GOVIND AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Dattatraya R. Jayabhar
AGP for Respondents – State : Mr.S.J.Salagare
Advocate for Respondent Acquiring Body : Mr.D.B.Pawar

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CORAM : P.R.BORA, J.

DATE: 21st January, 2019

PER COURT:-

1 Civil Application No.1240 of 2019 in First Appeal No.1704 of 2016 is not on board. The same is taken on board. This is an application for taking on record the legal heirs of the sole respondent i.e. original claimant namely Gangubai Govinda Gadhave on record. For the reasons stated in the application, application deserves to be allowed and is accordingly allowed. The delay caused in filing the application is condoned. Abatement, if any, stands set aside. Legal heirs of deceased Gangubai, as are mentioned in the application, be

taken on record forthwith.

2 Since all these appeals are arising out of common Judgment and award passed by 3rd Joint Civil Judge, Senior Division Aurangabad on 11.03.2014, all are taken up for hearing together.

3 At the outset, the learned Counsel appearing for Acquiring Body submitted that since in all these appeals, the compensation as has been enhanced by the Reference Court, is less than four times of the market value as was offered by the Special Land Acquisition Officer under Section 11 of the Act, the Acquiring Body does not intend to prosecute these appeals further. Learned Counsel submits that the Acquiring Body has deposited entire amount under the awards, which are impugned in the present appeals.

4 Learned Counsel appearing for the claimants submitted that 60% of the deposited amount has been permitted to be withdrawn and has been accordingly withdrawn by the claimants. It is further contended that the amount as has been deposited by the Acquiring Body is correctly calculated.

5 In view of the submissions so made, the present appeals deserve to be disposed of in view of the policy adopted by the Government vide Resolution dated 03.11.2016 read with Corrigendum dated 23.02.2017 and 13.08.2018. Hence, the following order:-

ORDER

- I) The appeals stand disposed of without any order as to costs.
- II) The original claimants are permitted to withdraw the balance amount lying in this Court deposited by the Acquiring Body alongwith interest accrued thereon.
- III) Pending civil applications stand disposed of.

(P.R.BORA)
JUDGE

vbd