

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8244/2016gr

**926 CIVIL APPLICATION NO. 8244 OF 2016
IN FAST/11999/2016**

WITH
CA/8245/2016 IN FAST/11999/2016
WITH
CA/8246/2016 IN FAST/12039/2016
WITH
CA/8247/2016 IN FAST/12039/2016
WITH
CA/8248/2016 IN FAST/12028/2016
WITH
CA/8249/2016 IN FAST/12028/2016
WITH
CA/8250/2016 IN FAST/12036/2016
WITH
CA/8251/2016 IN FAST/12036/2016
WITH
CA/8252/2016 IN FAST/12032/2016
WITH
CA/8253/2016 IN FAST/12032/2016

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION,
OSMANABAD AND ORS
VERSUS
TUKARAM NAMDEO GUNJAL AND ORS

...
Advocate / AGP for respective Applicant /co applicant
State:Mr. G.B.Rajale h/f Mr.Badakh Vishal S.,
Mr.S.P.Deshmukh, learned A.G.P.
Mr.Abhijeet S More For R/1 To 4.

...
CORAM : P.R. BORA, J.
Dated: October 14, 2016

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PER COURT :-

1. Issue notice to the respondents on -

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the applications for condonation of delay as well as the applications for stay. Mr. Abhijeet S.More, learned Counsel, waives service for respondent no.1 to 4 i.e. original claimants in all these matters.

2. Heard. For the reasons stated in the applications for condonation of delay which, according to me are just and sufficient, the delay caused in filing the present appeals is condoned. Hence, the applications for condonation of delay are allowed and disposed of.

3. The appeals be registered in accordance with law. Issue notice to the respondents in the appeals returnable after six weeks. Mr.Abhijeet S.More, learned Counsel, waives service for original claimants.

4. Heard Shri G.B.Rajale, learned Counsel holding for Mr.Vishal S.Badakh, learned Counsel, appearing for the appellant and learned A.G.P. Learned Counsel invited my attention to the impugned judgment and some of the observations made by the Reference Court and submits that the compensation as has been awarded by the Reference Court towards the trees is apparently exorbitant. Learned Counsel, therefore, prayed for not insisting the acquiring body for deposit of the entire amount under the awards. Shri Abhijeet S.More, learned

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Counsel appearing for the claimants, has opposed the submission so made by the learned Counsel for the appellant. Shri Abhijeet S.More, learned Counsel, submitted that this aspect can be taken care of while passing the further orders on the applications for withdrawal of the amount, if submitted by the respective claimants.

5. After having considered the submissions so made and on perusal of the impugned judgment, it appears to me that it will meet the ends of justice if the acquiring body is directed to deposit in this Court the 60 per cent of the amount under the respective awards along with interest accrued thereon within a period of twelve weeks.

6. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of the 60 per cent of the amount under the respective awards along with the interest accrued thereon by the applicant / appellant in this Court within a period of twelve weeks. Civil Applications for stay stands disposed of.

(P.R. BORA, J.)