

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

CIVIL APPLICATION NO. 10170 OF 2017

IN

FAST/6688/2017

THE CHIEF EX. OFFICER, SHRI SAIBABA SANSTHAN,
SHIRDI, AHMEDNAGAR

VERSUS

NIRMALA KUNDANMAL LUNAWAT AND ORS

...

Advocate for Applicant : Bhavar Nitin R

Mr. A.M.Phule, A.G.P. for resp.no.3

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CORAM : K.L.WADANE, J.

DATED : 5th October, 2017

O R D E R :

This is an application for stay to the execution of the impugned award.

2. Heard learned counsel for the appellant and learned A.G.P. for respondent no.3.

3. Learned counsel for the applicant points out that the claimants are not entitled for the interest under Section 34 of the Land Acquisition Act, because the possession of the acquired land was taken after passing of the award. Therefore, prima facie, it appears that in view of the provisions of Section 34 of the Land Acquisition

Act the claimants are not entitled for the interest under Section 34 of the Land Acquisition Act.

4. In view of above, the execution and operation of the impugned award is stayed on the condition that the appellant shall deposit entire amount of compensation together with interest, except interest under Section 34 of the Land Acquisition Act in this Court within a period of 12 weeks from today.

5. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm