

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 11671 OF 2017
IN FIRST APPEAL STAMP NO. 23543 OF 2016

SHAHURAO BHANUDAS BHAGWAT
VERSUS
THE EXECUTIVE ENGINEER, AREA DEVELOPMENT DIVISION IRRIGATION DIVISION
AURANGABAD

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Advocate for Applicant : Mr. N.K. Kakade
Adv. for Respondents: Ms. Ranjana Reddy

WITH

CA/12113/2016 IN FAST/22936/2016 WITH CA/12114/2016 IN
FAST/22936/2016 WITH CA/12115/2016 IN FAST/23525/2016 WITH
CA/12116/2016 IN FAST/23525/2016 WITH CA/12117/2016 IN
FAST/23519/2016 WITH CA/12118/2016 IN FAST/23519/2016 WITH
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CA/12138/2016 IN FAST/23522/2016 WITH CA/11672/2017 IN
FAST/23556/2016

CORAM : K.K. SONAWANE, J.

DATE : 12th September, 2017.

PER COURT:

1] Heard learned counsel for the applicants in this group of 14 appeals and learned counsel for the respondent No.1 - Acquiring Body.

2] Perused the application. This court under order dated 31.8.2016 directed the Acquiring Body to deposit the entire enhanced compensation amount awarded by the learned Reference Court, in lieu of stay to the

execution and implementation of the award. Accordingly, the respondent No.1 Acquiring Body has shown inclination to deposit the entire amount awarded by the learned Reference Court. However, learned counsel for the applicants submits that the respondent Acquiring Body may be directed to deposit the amount of compensation with interest accrued thereon, before the learned Executing Court, i.e. Civil Judge S.D., Ahmednagar. It would facilitate the claimant for further process.

3] Learned counsel for the Acquiring Body submits that the cheque has already been drawn in the name of Registrar, High Court, Bench at Aurangabad and in case this court issues directions to deposit the amount in the Executing Court, the Acquiring Body will have to revoke the impugned cheque, for securing the new cheque in the name of the Executing Court and it would take substantial time. Therefore, learned counsel for respondent No.1 Acquiring Body submits that the Acquiring Body may be allowed to deposit the cheque in this Court and thereafter requisite directions be issued for transmission of the entire compensation amount in the Account of the Executing Court at Ahmednagar.

4] I find force in the submissions advanced on behalf of the learned counsel for the Acquiring Body. Therefore, application is partly allowed. The respondent No.1 Acquiring Body is permitted to deposit the cheque of enhanced compensation awarded by the learned Reference Court in this Court, as directed by this Court under order dated 31.8.2016, after availing further extension of time, as granted by this Court. After realization of the cheque, Registrar (Judicial) of this Court to transmit the entire compensation amount, accompanied with interest accrued thereon, to the Executing Court i.e. Civil Judge (Senior Division) Ahmednagar for further process. However, after deposit of the amount in the Executing Court, there shall be no order for allowing the claimants to withdraw the compensation amount deposited by the respondent No.1, without permission/directions from this Court in these appeals. The Registrar (Judicial) of this court to

inform the executing court accordingly.

5] In case the claimants/applicants file applications for withdrawal, same will be considered by this Court on its own merits after hearing the counsel for Acquiring Body.

[K.K. SONAWANE]
JUDGE.

grt/-