

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

947 CIVIL APPLICATION NO. 2577 OF 2016
IN FA/3153/2011 WITH CA/14045/2016 IN FA/3157/2011 WITH
CA/14046/2016 IN FA/3155/2011 WITH CA/14047/2016 IN
FA/3154/2011 WITH CA/14048/2016 IN FA/3159/2011 WITH
CA/14049/2016 IN FA/3156/2011 WITH CA/14050/2016 IN
FA/3160/2011 WITH CA/14051/2016 IN FA/3158/2011

SHIVAPPA TAMANAPPA ANKALKOTE
VERSUS
UNION OF INDIA THR. DY. CHIEF ENGINEER (CONSTRUCTION),
CENTRAL RAILWAY, PUNE AND

...
Advocate for Applicant : Mr. Patil Mahesh S.
Mr. DV Soman, Adv.for Resp.No.1;
Mr. SB Joshi, AGP for Respondent No.2.

**CORAM : T.V.NALAWADE &
SANGITRAO S.PATIL,JJ.**

DATE : 7th MARCH,2017.

PER COURT:

1) The Civil Applications are filed for
modification of the order made by this Court.

2) In all the matters, this Court, while
granting stay, directed the acquiring body to deposit
50% of the Award amount in the Court. In the present
proceedings, the original claimants have prayed for
giving directions to the acquiring body to deposit
the remaining 50% amount. Both the sides are heard.

3) When this court considers the matter of

stay, this Court is expected to go through the relevant record and the reasoning given by the Reference Court. Only after that and also after hearing both the sides, this court ascertained as to how much amount needs to be deposited by the acquiring body for granting stay to the execution of the Award. Accordingly, this Court had confirmed the relevant factors and direction was given to deposit 50% of the amount awarded.

4) It appears that this Court had allowed the original claimants to withdraw 50% of the amount deposited in this court subject to some conditions and that amount has been withdrawn. The matter of giving permission to withdraw the amount was considered by different court. This circumstance shows that every aspect of the matter was considered when the stay was granted and when the original claimants were permitted to withdraw the 50% amount deposited in this Court. In view of this circumstance, this Court holds that it is not possible to give any new direction to the acquiring body to deposit remaining 50% amount.

5) All the civil applications are rejected.

6) It is however open to the original claimants to apply for final hearing of the Appeals since they are already admitted.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/