

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

**CIVIL APPLICATION NO. 14817 OF 2017
IN
FIRST APPEAL (STAMP) NO. 35405 OF 2017**

The Administrator,
City and Industrial Development Corp.
Aurangabad.

Applicant

Versus

Padmakar Haribhau Muley and others

Respondents

Mr. A.S. Bajaj, Advocate for the applicant.

Mr. D.A. Bide and Mr. U.B. Wayal,
Advocates for respondent Nos.1 to 5.

Smt. M.A. Deshpande, Addl. G.P. for respondent No.6.

**CORAM : PB. VARALE AND
SUNIL K. KOTWAL, JJ.**

Dated : 11-12-2017.

PER COURT :-

. Learned Counsel Mr. Bajaj submits that the appellant Acquiring Body raised various grounds in challenge to the judgment and award passed by the learned 6th Joint Civil Judge, Senior Division, Aurangabad in Land Reference No. 691/2005.

2. He submits that apart from the other grounds raised in the appeal, the very ground that the Reference Court without considering the judgment of this Court as well as of the Apex Court, awarded compensation towards the fruit bearing trees as well as the land is raised. The view taken by the Reference Court is not in consonance with the judgments of this Court. Mr. Bajaj further submitted that the Reference Court also committed error considering the potentiality of the land so as to award an exorbitant amount to the claimants. Mr. Bajaj pray for interim order in terms of prayer Clause-B.

3. Though the learned Counsel appearing for respondent Nos.1 to 5 opposes the application, considering the grounds raised by Mr. Bajaj, ad-interim relief in terms of prayer Clause-B is granted subject to the appellant's depositing of 75 % amount of the award within 8 weeks from today in this Court. Needless to state that, on depositing of such amount, the respondents are at liberty to take necessary steps, such as filing an application for withdrawal of amount.

4. The Application is disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE

(P.B. VARALE)
JUDGE
