

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4086 OF 2006
IN
FIRST APPEAL (ST) NO.22244 OF 2001**

The State of Maharashtra
Through Special Land
Acquisition Officer
V/s.

..Applicant/Appellant

Shri.Santu Ananda Badade

..Respondent

Mr.A.A. Palkar, AGP for the Applicant/Appellant-State.

Mr.Tushar Khairnar h/f Mr.Sandeep D. Shinde for the Respondent.

Ms.Pallavi Siddhapathaki i/by Mr.Bharat Joshi for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 24 JANUARY 2017.

P.C.

1. The execution of the impugned award is stayed subject to the applicant depositing with the reference Court at Nashik the entire awarded amount together with interest and cost within a period of four weeks from today.

2. Ms.Palavi Siddapathake the learned counsel who is holding for Mr.Bharat Joshi submits that the respondent is very poor agriculturalist residing at Trambakeshwar, Nashik. He submits that

his property has been acquired prior to the year 1993 but he has not yet received the compensation corresponding to the market value. She submits that the award in this case was made in the year 2000 and the appeal has not come up for consideration in the year 2017. She accordingly, submits that the respondent be permitted to withdraw the compensation amount subject to the final orders in the appeal.

3. In the facts and circumstances of the present case considering that the compensation awarded is in the range of Rs.1,20,000/- or thereabouts, the respondent is permitted to withdraw such compensation from the reference Court without furnish of any security. However, it is made clear that such compensation amount shall abide by the final orders in this appeal.

(M. S. SONAK, J.)