

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 335 OF 2018
IN FA/667/2016

DHONDIBA LAXMAN GHAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Advocate for Applicant : Mr. Chandrakant K. Shinde
AGP for Respondents: Mr. A.D. Namde

WITH

911 CIVIL APPLICATION NO. 343 OF 2018
IN FA/705/2016

RAMDAS MADHAV UNDARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Advocate for Applicant : Mr. Chandrakant K. Shinde
AGP for Respondents: Mr. A.D. Namde

912 CIVIL APPLICATION NO. 344 OF 2018
IN FA/704/2016

RAJU SARJERAO GHAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Advocate for Applicant : Mr. Chandrakant K. Shinde
AGP for Respondents: Mr. A.D. Namde

with

913 CIVIL APPLICATION NO. 346 OF 2018
IN FA/664/2016

NAMDEO DHONDIBA GAGARE (DIED) THR LRS CHANDRAKANT ANDANR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Advocate for Applicant : Mr. Chandrakant K. Shinde
AGP for Respondents: Mr. A.D. Namde

with

914 CIVIL APPLICATION NO. 347 OF 2018
IN FA/666/2016

LAHANU RAJARAM SHELKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Chandrakant K. Shinde
AGP for Respondents: Mr. A.D. Namde

CORAM : K.K. SONAWANE, J.

DATE : 9th January, 2018.

PER COURT:

1] Heard learned counsel Shri C.K. Shinde for the applicants, learned AGP for respondent Nos. 1 and 2.

2] These are applications simplicitor for issuance of directions to transmit the compensation amount deposited in this court, to the Court of District Judge -3 Beed, i.e. Reference Court.

3] The learned counsel Shri Shinde submits that the proceedings of appeal i.e. Out of 5 appeals, 3 appeals came to be disposed of on merit by the coordinate Bench of this court (Coram : P.R. Bora, J) as well as two appeals came to be settled in Lok Adalat. No dispute remains in the appeals. The impugned award was modified pertains to the amount of interest under Section 34 of the Land Acquisition Act, to be paid to claimants not from date of possession but from the date of award. In order to facilitate the claimants for withdrawal, the compensation amount deposited in this court is required to be transmitted to the concerned Reference Court. Learned AGP appearing for the respondents has no objection to transmit the amount of compensation to the concerned Reference Court, for further process.

4] In view of aforesaid submissions and reasons mentioned in the application, there is no impediment to allow the applications. Accordingly, the applications stand allowed in terms of prayer clause (B). The amount of compensation deposited in the respective appeals on behalf of respondent State be transmitted to the concerned Reference Court at Beed, for further process. It is stipulated that prior to allow the claimants for withdrawal of the amount, the Reference Court shall take care about the modification of the impugned award, in respect of amount of interest under Section 34 of the Land Acquisition Act, as per the judgment and order passed by this court in the respective appeals,.

5] After deducting the amount, as per the modification, rest of the amount be allowed to be withdrawn by the applicants in respective appeals. Civil applications stand disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-