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

CIVIL APPLICATION NO.4933 OF 2018 IN  
FIRST APPEAL NO.3664 OF 2017

Sainath s/o Ramnath Pabitwar ... APPLICANT

**VERSUS**

The Executive Engineer, UPP Project  
Division No.6, Nanded & ors. ... RESPONDENTS

.....  
Shri P.S. Koshti, Advocate for applicant  
Shri R.C. Patil, Advocate for respondent no.1  
Shri S.N. Morampalle, A.G.P. for State  
.....

**WITH**

CIVIL APPLICATION NO.4934 OF 2018 IN  
FIRST APPEAL NO.3663 OF 2017

Hanmant s/o Sakharam Pabitwar & anr. ... APPLICANTS

**VERSUS**

The Executive Engineer, UPP Project  
Division No.6, Nanded & ors. ... RESPONDENTS

.....  
Shri P.S. Koshti, Advocate for applicants  
Shri R.C. Patil, Advocate for respondent no.1  
Shri S.N. Morampalle, A.G.P. for State  
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CORAM:    A.M. DHAVALÉ, J.

DATED :    8th August, 2018.

ORAL ORDER :

1.            Heard learned Advocates. There is enhancement of compensation from Rs.1323/- to Rs.1800/- per R. It is argued that, award and interest from the date prior to the date of notification is contrary to the Full Bench judgment, but it is not disputed that possession of the premises was taken prior to notification dated 4.7.2002. There is no excessive enhancement beyond what is awarded by the Land Acquisition Officer. Considering the facts, I direct that, excluding 50% amount of interest from the date of 3.9.2001 till the date of award the balance amount of award deposited be paid to the applicants/claimants, 50% subject to personal undertaking and remaining 50% subject to solvent surety. Civil Applications are disposed of.

( A.M. DHAVALÉ )  
JUDGE

fmp/