

((1))

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

CIVIL APPLICATION NO.7417 OF 2018 IN
FIRST APPEAL ST. NO.8616 OF 2017

Shivaji s/o Kundalik Bhingade, Died L.Rs.
Anusayabai w/o Shivaji Bhingade
and others ... APPLICANTS

VERSUS

The Executive Engineer, Krishna Marathwada
Construction Division No.1 and others ... RESPONDENTS

.....
Shri R.K.. Ashtekar, Advocate for applicants
Shri S.C. Arora, Advocate for R.No.1
Shri S.N. Morampalle, A.G.P. for State
.....

WITH

CIVIL APPLICATION NO.6509 OF 2017 IN
FIRST APPEAL ST. NO.8623 OF 2017

The Executive Engineer, Krishna Marathwada
Construction Division No.1 and others ... APPLICANTS

VERSUS

Chandrabhagabai w/o Raosaheb Patil
and another ... RESPONDENTS

.....
Shri S.C. Arora, Advocate for applicants
Shri N.S. Shah, Advocate holding for
Shri S.V. Natu, Advocate for R.No.1 and 2
.....

WITH

((2))

CIVIL APPLICATION NO.6511 OF 2017 IN
FIRST APPEAL ST. NO.8600 OF 2017

The Executive Engineer, Krishna Marathwada
Construction Division No.1 and others ... APPLICANTS

VERSUS

Turab Khan s/o Sattar Khan Pathan ... RESPONDENT

.....
Shri S.C. Arora, Advocate for applicants
Shri A.R. Barate, Advocate holding for
Shri S.A. Wakure, Advocate for respondent
.....

CORAM: A.M. DHAVALÉ, J.

DATED : 8th August, 2018.

ORAL ORDER :

1. Heard learned Advocates for the parties. There is small amount of compensation involved in all the three matters. In one case, the Special Land Acquisition Officer has awarded Rs.81/- per R and Reference Court has awarded Rs.450/- per R. The arguments disclose that, the interest has been granted from the date of notification which is contrary to the Full Bench judgment, which says that interest is payable from the date of award in all the three matters. Learned Advocate for the appellant has objection for withdrawal of the entire amount. There is delay of 1460 days in all the appeals.

((3))

2. Considering the facts, the applications for withdrawal are partly allowed. The Registrar shall pay to the claimants the amount deposited excluding interest from the date of institution till the date of award subject to 50% amount on personal undertaking and remaining 50% amount on furnishing solvent surety. Civil Application for withdrawal of amount is disposed of.

3. Civil Applications for condonation of delay be listed on 16th August 2018.

(A.M. DHAVALÉ)
JUDGE

fmp/