

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

39 CIVIL APPLICATION NO.10492 OF 2018
IN FAST/17215/2018

WITH

CA/10493/2018 IN FAST/17215/2018 WITH CA/10494/2018 IN
FAST/18004/2018 WITH CA/10495/2018 IN FAST/18004/2018
WITH CA/10496/2018 IN FAST/17996/2018 WITH
CA/10497/2018 IN FAST/17996/2018 WITH CA/10498/2018 IN
FAST/18000/2018 WITH CA/10499/2018 IN FAST/18000/2018

THE M.K.V.D.C. THR THE EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING AND ANR

VERSUS

PRAKASH NARAYAN GHADGE (DEAD) THR LRS TARAMATI AND ORS

...

Advocate for Applicants : Mr. Gaikwad Anil M.

Mr. RB Bagul, AGP for State

Mr. Patil Laxmikant C. For R/1-a To 1-e.

CORAM : P.R. BORA, J.

DATED : 29th OCTOBER, 2018.

PER COURT:-

1. Heard learned counsel appearing for respective parties.

2. Delay of 1374 days has occurred in filing these appeals by the acquiring body. The reasons for condonation of delay are stated in para 3 of the applications. Learned counsel for the respondents original claimants has not seriously disputed for condoning the delay. Even otherwise, the delay appears to be sufficient explained. In the circumstances, the delay is condoned. The

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civil applications for condonation of delay are disposed of.

3. Appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents. Learned counsel waives service for the original claimants. Service complete.

4. Heard learned counsel on CA for stay. The learned counsel for the applicants submitted that the Reference court has enhanced the market value by approximately ten times than the value as was determined by the SLAO. The learned counsel further submitted that when the SLAO had offered the compensation @ Rs.300/- per Are, the Reference Court has enhanced it to around Rs. 3,000/- per Are. The learned counsel further submitted that substantial grounds are raised in exception to the impugned judgment and award. In the circumstances, the learned counsel prayed for staying the effect and operation of the impugned awards. The learned counsel further submitted that the acquiring body is ready to deposit 25% of the amount as awarded by the Court. The learned counsel Shri LC Patil has

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opposed for the same. The learned counsel submits that being a money decree, the applicants are required to deposit the entire amount under the Award.

5. After hearing the learned counsel for the parties, following order is passed, -

ORDER

i. Execution of the Awards impugned in the present appeals shall stand stayed subject to deposit of the 75% amount under the Award along with the interest accrued thereon by the acquiring body within a period of eight weeks from the date of this order.

6. List the matters for further consideration after vacation.

(P.R. BORA)
JUDGE

bdv