

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
APPEAL FROM ORDER NO.31 OF 2017

Prabhavati w/o Vishwambar Gutade,
age: major, Occ: Household,
R/o Jaiphal, Tq. Kallam,
District Osmanabad.

Appellant

Versus

01 The State of Maharashtra,
through Collector, Osmanabad.

02 Special Land Acquisition Officer,
(P.T. & M.I.W. No.1.), Osmanabad.

03 Shantabai w/o Baliram Dombe

Respondent No.3
deleted vide
Court's order
dated 16.09.2017.

04 Bhamabai w/o Prabhu Kore,
age: major, Occ: Household,
R/o Kond, Tq. and District
Osmanabad.

05 Prabhuappa Ramling Kore,
age: major, Occ: Household,
R/o Kond, Tq. & District
Osmanabad.

Respondents

Mr.E.S.Murge, advocate for the appellant
Mr.A.D.Namde, A.G.P. for Respondents No.1 & 2.
Respondent No.3 deleted vide Court's order dated 16.09.2017.
Mr.R.P.Bhumkar, advocate for Respondents No.4 and 5.

CORAM : M.S.SONAK, J.
DATE : 31st January, 2018.

ORAL JUDGMENT :

1 After this matter was heard for sometime, learned Counsel for the parties submit that this appeal be disposed of with the following agreed orders:-

(A) Respondents No.4 and 5 shall pay to the appellant, within a period of four weeks from today, an amount of Rs.10,000/- (Rs.Ten Thousand) by way of costs. Such amount may be deposited before the trial Court within four weeks and the appellant is permitted to withdraw the same unconditionally;

(B) In case, the amount of costs as aforesaid, is indeed deposited within four weeks from today, this appeal to stand dismissed. In case, the amount of costs is not deposited within four weeks, this appeal to stand allowed and the judgment and order dated 02.05.2017 made by the appeal Court shall stand set aside;

(C) The trial Court is directed to dispose of R.C.S. No.120/2005, as expeditiously as possible and in any case, within a period of eight months from the date of production of authenticated copy of this order.

(D) The appellant is granted liberty to apply to the trial Court for interim relief in relation to the award made by the Reference Court in L.A.R. No.471/2010. Such application, if and when made, will be considered on its own merits and in accordance with law.

(E) The parties to appear before the trial Court on 12.02.2018 at 10.30 a.m. and file authenticated copy of this order.

(F) The trial Court to afford an opportunity to all the parties i.e. plaintiffs as well as defendants to lead evidence in the matter. All contentions of all the parties are left open.

2 This appeal is disposed of in the aforesaid terms.
Pending Civil Application does not survive and stand disposed of accordingly.

M.S.SONAK
JUDGE