

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

907. WRIT PETITION NO. 4536 OF 2019

ANANDRAO PANDURANG PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
908. WRIT PETITION NO. 4539 OF 2019

JIJABAI MAROTRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

*Mr. S.H. Panchal, Advocate for petitioner in both petitions.
Mr. N.T. Bhagat & Mr. S.P. Tiwari, Asstt. Govt. Pleaders for
respondents No.1 & 2*

CORAM : RAVINDRA V. GHUGE, J.

DATE : 19th June, 2019

PER COURT:

1. Both these petitioners, who are the original claimants in L.A.R. Nos. 311 of 2015 and 309 of 2015, respectively, are aggrieved by clause 4 of the operative part of the judgment of the L.A.R. Court, dated 4th March, 2016.

2. Contention is that the L.A.R. Court has properly calculated the enhanced amount. The compensation paid prior

to the reference cases was deducted from the total compensation of the remainder compensation, rightly mentioned in clause 2 of the operative order dated 4th March, 2016. However, in clause 4 in the same order, the Trial Court has noted that the amount of compensation already paid to the claimants would be deducted from the enhanced compensation and this is being interpreted by the Disbursing Authority that the Trial Court has allowed the authority to deduct the compensation paid from the final amounts, mentioned in clause 2 of the said judgment.

3. A companion Writ Petition No. 2476/2018 was filed with reference to L.A.R No. 310/2015, in which, as the identical judgment has been delivered by the Reference Court on 4th March, 2016, this Court has concluded that clause 4 of the operative part of the said judgment is not contradictory to clause 2 and there could be a deduction of the paid amount only once and not two times.

4. Considering the same, the learned Asstt. Govt. Pleader submits that it would be appropriate for this Court to pass the same order.

5. In view of the above, I find that the observations in paragraph Nos. 23 and 24 and clause 4 of the operative part of

the judgment dated 4th March, 2016 delivered by the Trial Court in L.A.R. No. 309 of 2015 and 311 of 2015, are not self-contradictory. After deduction of the compensation already paid, the petitioners would get the remainder compensation as per clause 2 of the order dated 4th March, 2016.

6. Both these petitions, being filed purely out of apprehension, are disposed off.

**(RAVINDRA V. GHUGE)
JUDGE**

Madkar