

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

934 CIVIL APPLICATION NO.2777 OF 2019
IN FAST/4935/2019

WITH CA/2781/2019 IN FAST/5144/2019

WITH CA/2783/2019 IN FAST/5132/2019

WITH CA/2787/2019 IN FAST/5135/2019

WITH CA/2789/2019 IN FAST/5147/2019

WITH CA/2791/2019 IN FAST/5151/2019

WITH CA/2793/2019 IN FAST/5141/2019

WITH CA/2795/2019 IN FAST/5157/2019

THE M.K.V.D.C., THR EX. ENGINEER, SINA
KOLEGAON PROJECT, PARANDA, OSMANABAD AND
OTHERS
VERSUS

GOKUL KRISHNATH BHANGE AND ANR

...

Mr.A.M. Gaikwad, Advocate for the applicants.
Mr.S.A. Deshmukh holding for Mr.M.S. Patil,
Advocate for the Respondents.

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CORAM: V.L. ACHLIYA, J.

DATE : 09.04.2019

ORAL ORDER:

1. The applicants/appellants have filed these applications seeking stay to the execution of Award passed by the Reference Court, which is subject matter of respective appeals preferred by applicants/appellants.

2. Learned counsel appearing for the applicants submits that the challenge raised in these appeals confines to the interest

awarded under Section 28 of the Land Acquisition Act. By referring to the judgment of Full Bench in the case of **State of Maharashtra V/s Kailash Shiva Rangari** reported in 2016(3) Mh.L.J. 457 (F.B.), learned counsel submits that the appellants have good case to succeed in appeals. The appellants have already deposited the amount in terms of award except the disputed amount of interest awarded under Section 28 of the Land Acquisition Act. Learned counsel submits that in view of the amount deposited, except the disputed amount, the execution of the impugned judgment and award be stayed.

3. On the other hand, learned counsel appearing for the respondents-claimants opposed the applications and submits that the judgment and award passed by the Reference Court needs no interference and the amount of interest awarded is in accordance with law. He submits that the applicants/appellants be directed to deposit the amount and the same shall not be withdrawn by the respondents till the decision of appeals.

4. Considering submissions advanced by

learned counsel appearing for the parties, the applications are allowed in terms of prayer clause "A" in respective applications, subject to deposit of amount by the applicants/appellants to the extent of 50% of the disputed amount. The amount be deposited within eight weeks from the date of order. The amount deposited to be remained invested in fixed deposit till disposal of appeals.

5. The applications seeking stay to the execution of Award are disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

SGA