

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

942 CIVIL APPLICATION NO.13143 OF 2017
IN
FAST/16649/2017

THE STATE OF MAHARASHTRA AND ORS.
VERSUS
GANGARAM LIMBAJI PIMPARE (DIED) THR LRS
SITARAM AND ANR.

.....

Mr. G.O.Wattamwar, A.G.P. for Applicant - State.

Mr. R.V.Naiknaware, Advocate for respondents.

.....

CORAM : V.L.ACHLIYA, J.

DATE : 12/04/2019

.....

ORAL ORDER :

1. The application is filed seeking stay to the execution of award dated 23/04/2014 passed by the Civil Judge [Sr.Division], Osmanabad in L.A.R. No. 19/2008.

2. Learned counsel for applicants submits that the applicants have good case to succeed in appeal and the enhancement made by the reference Court is more than 10 times. It is submitted that the Special Land Acquisition Officer has awarded compensation @ Rs. 605/- per R. which has been enhanced to Rs. 6,600/- per R. without any evidence available on record.

3. On the other hand, learned counsel for the respondent – claimant submits that the claimants are deprived of the compensation awarded in respect of the land acquired in the year 2003. The applicants have not deposited the amount either before the executing Court or before this Court.

4. On due consideration of the submissions advanced, the application seeking stay is allowed subject to deposit of 50% of the amount of compensation awarded by the reference Court i.e. the amount together with interest. The amount shall be deposited within 8 weeks. Failure to deposit the amount, the Executive Engineer, Minor Irrigation, Local sector, Osmanabad shall personally appear and explain as to why the amount is not deposited.

[V.L.ACHLIYA]
JUDGE

KNP.