

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

930 CIVIL APPLICATION NO.14065 OF 2017
IN FAST/24608/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD, THROUGH GMIDC, AURANGABAD

VERSUS

TRIMBAK BABURAO NAVTAKE (DIED) THROUGH L.RS. ASHWINI AND
OTHERS

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Advocate for Applicant : Shri Bhalerao Sudhir G.

Advocate for L.Rs. of respondent no.1: Shri G.K. Sontakke

AGP for Respondent nos.2 & 3: Shri P.M. Kulkarni.

CORAM: V.L. ACHLIYA, J.

DATE: 16.04.2019

PER COURT :

1] Learned counsel for the applicant submits that the applicant / appellant has deposited Rs.29,30,751/- in terms of the award, except the amount on account of award of interest u/s 28 of the Land Acquisition Act, which is disputed by way of appeal filed by the appellant.

2] Shri G.K. Sontakke, learned counsel appears for the L.Rs. of respondent no.1 – claimants, and submits that the deposited amount has been withdrawn by the respondent – claimants. He seeks time to file reply.

3] In view of the fact that the amount on account of

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interest awarded u/s 28 is disputed by the appellant and the appeal filed is confined to challenge raised in that respect based upon the Full Bench decision of this Court in the case of *State of Maharashtra v. Kailash Shiva Rangani* [(2016) 4 ALL M.R., 513], the execution of award in respect of the remaining amount deserves to be stayed. Accordingly, the application is allowed in terms of prayer clause (B) subject to deposit of the disputed amount in this Court within eight weeks from today. If the amount is deposited, then same shall be invested in fixed deposit with any Nationalized bank initially for a period of 28 months, to be renewable from time to time thereafter.

4] The application is disposed of in above terms.

(V.L. ACHLIYA, J.)