

vdk

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12279 OF 2019
IN
FIRST APPEAL NO. 3533 OF 2019

The State of Maharashtra and others ...Appellants

VERSUS

Shakuntala Suresh Porwal Respondent

WITH
CIVIL APPLICATION NO. 12285 OF 2019
IN
FIRST APPEAL NO. 3534 OF 2019
WITH
CIVIL APPLICATION NO. 12283 OF 2019
IN
FIRST APPEAL NO. 3535 OF 2019
WITH
CIVIL APPLICATION NO. 12287 OF 2019
IN
FIRST APPEAL NO. 3536 OF 2019

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Mr. A. M. Phule, Assistant Government Pleader for the
applicants - appellants
Mr. A. B. Kale, Advocate for respondents - claimants

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[CORAM : SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.]

DATE : 15th November, 2019

ORDER :

1. Issue notice to respondents.
2. Learned counsel Mr. A. B. Kale waives notice for respondents - claimants.

3. Learned Assistant Government Pleader appearing for applicants – appellants contends that enhancement granted by the reference court is too steep and would not be borne by evidence on record. He submits that various aspects would be required to be considered in present first appeals. He, therefore, requests to stay the effect and operation of the impugned order referring further to that the amount granted by the Land Acquisition Officer has already been withdrawn by the respondents – claimants under protest.

4. Learned counsel for respondents – claimants, however, submits that reference court has been rather restrictive in approach in enhancing amount, while the land value would be much more and there is evidence showing the same. He further submits that in the execution proceedings pursuant to award passed by the reference court while the officers were in custody, it was agreed to by the appellants - applicants that the entire amount would be deposited. He purports to refer to the statement made on behalf of applicants to that effect and contends that the amount has not been deposited and arguments are being advanced for stay.

5. Having regard to the circumstances and taking overall view of the matter while the appellants – applicants contend that they are hard pressed and reasonable amount may be directed to be deposited by the applicants.

6. As such, there would be interim relief in terms of prayer clause (B) on condition that applicants – appellants shall deposit 50% of the awarded amount in accordance with the decision of the reference court along with the accruals thereon within a period of four (4) weeks from today.

7. In case of failure to deposit amount as directed above within aforesaid period, interim relief would cease to operate without further reference to the court.

8. Civil applications are disposed of.

[SMT. VIBHA KANKANWADI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE