

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

APPEAL FROM ORDER NO. 16 OF 2019

Vasant Jagannath Marathe (Chavhan)

VERSUS

The National Highway Authority Of India And Another

WITH

APPEAL FROM ORDER NO. 17 OF 2019

Unnikrushna Narayan Nayar

VERSUS

The National Highway Authority Of India And Another

WITH

APPEAL FROM ORDER NO. 18 OF 2019

Ibrahim Nagin Khatik

VERSUS

The National Highway Authority Of India And Others

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Advocate for the Appellants : Shri Sonar Anudeep D.

Advocate for Respondent 1 : Shri D.S.Manorkar

AGP for Respondent 2 : Shri N.T.Bhagat

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th June, 2019

Per Court:

1 In all these identical appeals, the appellants, who are the

original beneficiaries of compensation on account of their land being acquired by the acquiring body under the National Highways Act, 1956, are aggrieved by similar orders passed by the learned Principal District Judge, Dhule, dated 10.09.2018 in Civil Misc. Application No.171/2013, dated 06.09.2018 in Civil Misc. Application No.176/2013 and dated 06.09.2018 in Civil Misc. Application No.93/2015.

2 It is submitted that in a similar set of facts arising from *Appeal From Order No.79/2018 (Rajendra Uttamchand Katariya vs. The National Highway Authority of India and another)*, this Court has passed an order on 01.02.2019.

3 The learned advocate for the appellants submits that the appellants may be permitted to withdraw at least 50% of the amounts of Rs.77 lac, Rs.82 lac and Rs.173 lac in these three appeals with an affidavit undertaking and the remaining 50% be released with a solvent surety.

4 The learned advocate appearing on behalf of respondent no.1/ National Highways Authority of India opposes these appeals and submits that the appellants should not be permitted to withdraw a single rupee from the deposited amounts.

5 I find that the factors involved in these three appeals are similar to one, which I had an occasion to decide vide the order dated 01.02.2019 in Appeal From Order No.79/2018.

6 Since the appeals before the learned District Judge pertain to

the years 2013 and 2015, I deem it appropriate to dispose off these three appeals without going into the merits of the issues involved and as to whether, the appeals are maintainable or not.

7 As such, these Appeal From Orders are disposed off by permitting the appellants to tender/ execute an indemnity bond for the following amounts :-

- (a) The appellant (Vasant Jagannath Marathe (Chavhan)) would withdraw an amount of Rs.18 lac.
- (b) The appellant (Unnikrushna Narayan Nayar) would withdraw an amount of Rs.22 lac.
- (c) The appellant (Ibrahim Nagin Khatik) would withdraw an amount of Rs.40 lac.

These indemnity bonds shall be tendered to the learned Principal District Judge before they being allowed to withdraw the said amounts. Rest of the amounts, if not already invested, shall be invested in Fixed Deposit Receipt in any nationalized bank at Dhule.

8 The litigating sides would advance their oral final arguments in their respective cases and are at liberty to enter their written notes of submissions, on or before 31.07.2019. The learned Principal District Judge, Dhule shall decide the said appeals by delivering the final judgments on or before 15.10.2019.

9 All contentions of the litigating sides including the contention

of the respondent authority that astronomical amounts have been granted by the Arbitrator, would be considered on their own merits.

kps

(RAVINDRA V. GHUGE, J.)