

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

**CIVIL APPLICATION NO.4667 OF 2020
IN
CIVIL APPLICATION NO.8378 OF 2015
IN
FIRST APPEAL NO.57 OF 2015**

Maimuna Banu w/o Hamid Ali
Khan Kayamkhani, Died, through L.Rs.

Qamar Banu w/o Abdul Rashid Khan,
age-74 years, Occu:Household,
R/o-Parbhani
and others.

...APPLICANTS

VERSUS

The State of Maharashtra,
Through the Collector, Latur
and others.

...RESPONDENTS

...
Mr. V.D. Gunale Advocate for Applicants.
Mr. S.K. Tambe, A.G.P. for Respondents No. 1 and 2.
Mr. Y.M. Khan Advocate for Respondents No. 3 and 4.
...

**CORAM: SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATE : 4th SEPTEMBER, 2020

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for the parties do not have and dispute over the sharing as has been shown in the documents appended to the application.
3. It has been submitted by learned counsel that while interim relief had been granted to the State and acquiring body, only 50% of the award amount was directed to be deposited in this court. It is further submitted that the applicants – claimants from the amount deposited in this court were allowed to withdraw 25% of the amount with security. According to learned counsel for applicants, this withdrawal was only 12.5% of the total awarded amount. Over this aspect, there does not appear to be any dispute.
4. Learned AGP submits that for the amount which is not deposited, the claimants will have to prosecute the execution

proceeding and it will be expedient that amount lying in this court be remitted to the executing court.

5. Having regard to the circumstances that the acquisition is of 1993 and the land reference award is of 2011 and the claimants have received 12.5% of the total awarded amount, it would be expedient to allow the application instead of sending claimants to executing court for the amount which is already lying in this court, entitlement of the same being not disputed and there is no reference to any further proceeding been taken against the decision of this court.

6. As such, application is allowed in terms of prayer clause "(B)", subject to applicants – claimants filing undertaking on affidavit in this court, in case of any dispute, either inter-se amongst the claimants and/or about their identification or otherwise, they will indemnify the acquiring body and the State. Further that the claimants while withdrawing the amount and filing undertaking, shall produce copies of proper identification documents. The amount may not be disbursed to the claimants until verified civil application is lodged in the office of this court.

7. Civil Application stands disposed of, accordingly.

(R.G. AVACHAT, J.)

[SUNIL P. DESHMUKH, J.]

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