

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7763 OF 2020
IN FAST NO. 21077 OF 2020
EX. ENGINEER, PATBANDHARE MAJABUTIKARAN DIVISION, OMERGA
VERSUS RAJARAM PANDURANG SURWASE
WITH
CA/7780/2020, CA/7784/2020, CA/7772/2020, CA/7778/2020,
CA/7789/2020, CA/7782/2020, CA/7769/2020, CA/7766/2020,
CA/7787/2020, CA/7776/2020, CA/7774/2020, CA/7792/2020,
CA/7771/2020, CA/7794/2020,

Smt. S.D.Shelke, Advocate for the applicants.
Miss L.R. Thakur h/f. Mr. L.C. Patil, Advocate for the respondents.

CORAM : V.L.ACHLIYA,J.
DATED : 02.12.2020

P.C. :-

01. The appellant has moved these applications seeking stay to the execution of award.

02. In brief, it is contention of the learned counsel for the applicant-appellant that the compensation assessed by the Reference Court is excessive and unsustainable in law. It is submitted that no evidence adduced to seek enhancement. The Reference Court solely relied upon the decision in a reference decided in respect of another land. It is submitted that the compensation is to be assessed on the basis of land acquired. Learned Counsel further submitted that the

connected appeal is admitted by this Court and order to deposit amount to the extent of award has been passed. It is further submitted that the award passed by the Reference Court is also not sustainable as the interest has been awarded from the date of section 4 Notification, which is contrary to the Full Bench Judgment of this Court.

03. On the other hand, learned counsel for the respondent/claimant submits that the compensation assessed is in accordance with law and evidence adduced in the case. It is further submitted that there is no perversity in the judgment passed by the Reference Court. The appeals are devoid of merit.

04. On due consideration of the submissions advanced, following order is passed :-

i. The applications are allowed in terms of prayer clause (B), subject to deposit of amount to the extent of 75% of award passed by the Reference Court. The amount shall be deposited within 12 weeks from the date of this order.

[V.L.ACHLIYA,J.]