

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

**CIVIL APPLICATION NO.7726 OF 2021
IN FIRST APPEAL ST. NO.18545 OF 2021**

The Executive Engineer,
Irrigation Department Strengthening
Division, Omerga, Dist. Osmanabad
and ors.

..Applicants

Vs.

Nanasaheb @ Nana @ Naga @ Nagnath
Magar

..Respondents

AND
CIVIL APPLICATION NO.7728 OF 2021
IN FIRST APPEAL ST. NO.18497 OF 2021
AND
CIVIL APPLICATION NO.7730 OF 2021
IN FIRST APPEAL ST. NO.18485 OF 2021
AND
CIVIL APPLICATION NO.7733 OF 2021
IN FIRST APPEAL ST. NO.18993 OF 2021
AND
CIVIL APPLICATION NO.7735 OF 2021
IN FIRST APPEAL ST. NO.18488 OF 2021
AND
CIVIL APPLICATION NO.7737 OF 2021
IN FIRST APPEAL ST. NO.18553 OF 2021
AND
CIVIL APPLICATION NO.7739 OF 2021
IN FIRST APPEAL ST. NO.18588 OF 2021
AND
CIVIL APPLICATION NO.7741 OF 2021
IN FIRST APPEAL ST. NO.18548 OF 2021

Mr.R.A.Tambe, Advocate for applicants
Mr.L.C.Patil, Advocate for respondent in C.A. No.7726 of 2021

CORAM : R.G. AVACHAT, J.
DATE : AUGUST 10, 2021

ORDER :-

Heard.

2. In connected matters, delay has been condoned. For the reasons given in the applications, the same are allowed in terms of prayer clause (B).

3. Issue notice to the respondents in appeals, returnable after twenty weeks. Mr.L.C.Patil, learned counsel, waives notice for the respondent in First Appeal (stamp) No.18545 of 2021.

[R.G. AVACHAT, J.]

KBP

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The Executive Engineer,
Irrigation Department Strengthening
Division, Omerga, Dist. Osmanabad
and ors.

..Applicants

Vs.

Nanasaheb @ Nana @ Naga @ Nagnath
Magar

..Respondents

AND
CIVIL APPLICATION NO.7729 OF 2021
IN FIRST APPEAL ST. NO.18497 OF 2021
AND
CIVIL APPLICATION NO.7731 OF 2021
IN FIRST APPEAL ST. NO.18485 OF 2021
AND
CIVIL APPLICATION NO.7734 OF 2021
IN FIRST APPEAL ST. NO.18993 OF 2021
AND
CIVIL APPLICATION NO.7736 OF 2021
IN FIRST APPEAL ST. NO.18488 OF 2021
AND
CIVIL APPLICATION NO.7738 OF 2021
IN FIRST APPEAL ST. NO.18553 OF 2021
AND
CIVIL APPLICATION NO.7740 OF 2021
IN FIRST APPEAL ST. NO.18588 OF 2021
AND
CIVIL APPLICATION NO.7742 OF 2021
IN FIRST APPEAL ST. NO.18548 OF 2021

Mr.R.A.Tambe, Advocate for applicants
Mr.L.C.Patil, Advocate for respondent in C.A. No.7727 of 2021

CORAM : R.G. AVACHAT, J.
DATE : AUGUST 10, 2021

ORDER :-

Heard.

2. Issue notice to the respondents, returnable after twenty weeks. Mr.L.C.Patil, learned counsel, waives notice for the respondent in Civil Application No.7727 of 2021.

3. Learned counsel for the applicant-acquiring body submits that interest has been awarded from the date of possession. It should have been from the date of award. The gap between the two dates is of seven years. Moreover, enhancement is from Rs.390/- to Rs.6,000/- per R for irrigated land and Rs.3,000/- per R for non-irrigated land. In short, according to learned counsel, the enhancement is manifold and the acquiring body has a good case in the appeal. He, therefore, prays for stay to the impugned award on payment of 50% of the amount thereunder.

4. Learned counsel for the claimants has placed on record a copy of the order dated 23.07.2021 passed in connected matter, wherein stay has been granted on condition of depositing entire amount.

5. The submission made by learned counsel for the applicants-acquiring body may be taken care of while the claimants move for withdrawal of amount. Hence, on depositing entire amount under the impugned award within twenty weeks from today, execution thereof is stayed, till then.

[R.G. AVACHAT, J.]

KBP