

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

**905 WRIT PETITION NO.7745 OF 2020
WITH WP/761/2021 WITH WP/1052/2021 WITH WP/1081/2021 WITH
WP/7158/2021 WITH WP/7159/2021**

**PRAKASH BAJIRAO AHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. N.J. Pahune Patil
AGP for Respondent Nos.1 to 3 : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 02nd JULY, 2021

PER COURT:-

1. We have heard the learned advocate for the petitioners and the learned AGP on behalf of respondent nos.1 to 3.
2. We had considered the submissions of the learned advocate for the petitioners and the learned AGP on behalf of the respondents, to quite an extent on 30.06.2021 and we found that there was a vast difference between the amounts calculated by the petitioners under the settlement arrived at in the Lok Adalat and the learned advocates for the respondents. For example, in Writ Petition No.7745 of 2020 (Prakash Bajirao Aher Vs. The State of Maharashtra and Others), the petitioner has calculated an amount of Rs.77,74,559/- with additional interest at the rate of 15% per annum till actual realization of the amount. Per contra, the acquiring body has calculated an amount of Rs.13,32,413/- and the demand draft is said to be ready with the learned advocate.
3. In an identical matter filed by the same learned advocate for

the petitioners before us, viz. Writ Petition No.5532 of 2021 (Gulab Sukhdev Nangurde Vs. The State of Maharashtra and Another), a coordinate bench of this Court has passed an order on 30.06.2021. It would be apposite to reproduce the said order hereunder:

“ . Heard the learned counsel for petitioner and the learned counsel for respondent Nos. 3 and 4.

2. The reference filed by the petitioner is allowed. The petitioner filed execution proceeding. Thereafter, the matter has been settled in National Lok Adalat on 8th of December 2018.

3. The grievance of the petitioner is that though the matter is settled in Lok Adalat, the amount of compensation is not paid as per the settlement. As per the Government Resolution, the amount has to be paid within six months.

4. After hearing the learned advocates for the parties, we pass the following order.

ORDER

1. In case the settlement arrived at before Lok Adalat is in force, then the respondents shall make payment as per the settlement arrived at in the Lok Adalat within four months.

2. The writ petition is disposed of. No costs. “

4. In the cases before us, the petitioners have not yet filed execution proceedings. Though the matter has been settled in the Lok Adalat vide settlement dated 22.04.2018, there appears to be a serious dispute about the computation of amounts.

5. In this backdrop, we are passing the following order:

ORDER

a) Considering the settlement arrived at before the Lok Adalat on 22.04.2018, the respondents who are liable to make the payment to these petitioners, shall make the payments as per their calculations in terms of

(3)

the settlement, within four months from today.

b) In the event of any dispute as regards the quantification of the amounts, the petitioners would be at liberty to take recourse to the execution proceedings for canvassing their cases as regards the disputed quantum of amounts.

c) All these petitions are therefore disposed off.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)