

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

**910 CIVIL APPLICATION NO.13185 OF 2021 WITH
CA/13186/2021 IN /FA/1373/2021/ WITH FA/1388/2021 WITH
FA/1386/2021 WITH FA/1406/2021 WITH FA/1379/2021 WITH CA/
13242/2021 IN /0/ WITH FA/1375/2021 WITH FA/1389/2021 WITH
FA/1404/2021 WITH FA/1393/2021 WITH FA/183/2021 WITH
CA/13285/2021 IN /0/ WITH FA/188/2021 WITH CA/13259/2021
IN /0/ WITH CA/13188/2021 IN /0/ WITH FA/1384/2021 WITH
FA/1358/2021 WITH CA/13249/2021 IN FA/189/2021 WITH
CA/13265/2021 IN /0/ WITH CA/13254/2021 IN /0/ WITH
FA/1366/2021 WITH FA/1409/2021 WITH FA/1417/2021 WITH CA/
13209/2021 IN /0/ WITH FA/1385/2021 WITH FA/1390/2021 WITH
FA/1392/2021 WITH CA/13215/2021 IN /0/ WITH FA/1381/2021
WITH CA/13283/2021 IN /0/ WITH CA/13210/2021 IN /0/ WITH FA/
185/2021 WITH FA/1387/2021 WITH FA/1397/2021 WITH
FA/1398/2021 WITH CA/13193/2021 IN /0/ WITH CA/13200/2021
IN /0/ WITH CA/13201/2021 IN /0/ WITH CA/13204/2021 IN
FA/184/2021 WITH CA/13238/2021 IN /0/ WITH CA/13243/2021 IN
FA/186/2021 WITH CA/13246/2021 IN /0/ WITH CA/13268/2021
IN /0/ WITH FA/1371/2021 WITH FA/1394/2021 WITH
FA/1396/2021 WITH FA/1413/2021 WITH CA/13203/2021 IN /0/
WITH FA/1412/2021 WITH FA/1376/2021 WITH CA/13282/2021
IN /0/ WITH CA/13256/2021 IN /0/ WITH FA/186/2021 WITH
FA/1373/2021 WITH FA/1372/2021 WITH CA/13273/2021 IN /0/
WITH CA/13213/2021 IN FA/2891/2021 WITH FA/189/2021 WITH
FA/1357/2021 WITH CA/13189/2021 IN /0/ WITH FA/1414/2021
WITH CA/13286/2021 IN /0/ WITH FA/1405/2021 WITH
CA/13196/2021 IN /0/ WITH FA/1401/2021 WITH FA/1365/2021
WITH CA/13237/2021 IN /0/ WITH CA/13202/2021 IN
FAST/1361/2021 WITH CA/13252/2021 IN FA/187/2021 WITH
CA/13233/2021 IN /0/ WITH CA/13258/2021 IN /0/ WITH
CA/13267/2021 IN /0/ WITH FA/1419/2021 WITH FA/187/2021
WITH CA/13236/2021 IN FA/1410/2021 WITH CA/13270/2021 IN
/0/ WITH CA/13264/2021 IN /0/ WITH CA/13257/2021 IN /0/ WITH
CA/13263/2021 IN /0/ WITH CA/13261/2021 IN /0/ WITH
CA/13279/2021 IN /0/ WITH CA/13287/2021 IN /0/ WITH
FA/1411/2021 WITH FA/1415/2021 WITH FA/1418/2021 WITH FA/
1416/2021 WITH FA/184/2021 WITH FA/1382/2021 WITH
CA/13216/2021 IN /0/ WITH CA/13275/2021 IN /0/ WITH
CA/13195/2021 IN /0/ WITH CA/13199/2021 IN /0/ WITH
CA/13277/2021 IN /0/ WITH FA/1363/2021 WITH FA/1399/2021
WITH CA/13240/2021 IN /0/ WITH CA/13241/2021 IN /0/ WITH CA/
13251/2021 IN FAST/1419/2021 WITH CA/13212/2021 IN /0/ WITH
CA/13272/2021 IN /0/ WITH FA/1400/2021 WITH FA/1359/2021
WITH FA/1395/2021 WITH FA/1420/2021 WITH FA/1362/2021
WITH FA/1403/2021 WITH CA/13250/2021 IN FA/188/2021 WITH
CA/13187/2021 IN /0/ WITH CA/13194/2021 IN /0/ WITH**

**CA/13197/2021 IN FAST/5840/2020 WITH CA/13205/2021 IN /0/
WITH CA/13255/2021 IN /0/ WITH CA/13266/2021 IN /0/ WITH CA/
13271/2021 IN FA/2036/2021 WITH CA/13274/2021 IN /0/ WITH
CA/13276/2021 IN /0/ WITH CA/13278/2021 IN /0/ WITH
CA/13190/2021 IN /0/ WITH CA/13192/2021 IN /0/ WITH
CA/13207/2021 IN /0/ WITH CA/13211/2021 IN FA/85/2021 WITH
CA/13253/2021 IN /0/ WITH CA/13280/2021 IN /0/ WITH
CA/13281/2021 IN /0/ WITH CA/13284/2021 IN /0/ WITH
CA/13217/2021 IN /0/ WITH CA/13198/2021 IN FAST/5845/2020
WITH FA/1364/2021 WITH FA/1367/2021 WITH FA/1368/2021
WITH FA/1369/2021 WITH FA/1370/2021 WITH FA/1374/2021
WITH FA/1377/2021 WITH FA/1378/2021 WITH FA/1380/2021
WITH FA/1383/2021 WITH FA/1391/2021 WITH FA/1402/2021
WITH FA/1407/2021 WITH FA/1408/2021 WITH FA/1410/2021
WITH FA/1360/2021 WITH FA/1361/2021**

THE EX. ENGINEER, GIRNA CANNEL RENOVATION DIVISION- 2,
JALGAON AND ANR
VERSUS
CHANDRAKANT SITARAM PATIL AND ORS

...
Advocate for Applicants : Mr. R.N. Dhorde, Senior Counsel h/f Mr.
Pawar Ajay D.
AGP for Respondent/State : Mr. S.R. Yadav
Advocate for Respondent Nos.1 & 2 : Mr. A.B. Kale
...

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

DATED : 17th DECEMBER, 2021

PER COURT:-

1. We have heard the learned senior counsel along with Shri A.D. Pawar for the applicants. We have considered the strenuous submissions of Shri Kale on behalf of the original claimants and the learned AGP.
2. By an order dated 18.08.2021, we had granted protection to the appellants on the condition of depositing 25% of the total amount as awarded by the Reference Court. Subsequently, as the amount

could not be deposited despite extending the time, all the civil applications were rejected vide order dated 22.09.2021.

3. The learned senior counsel submits that in all these matters, the 25% amount as calculated by the acquiring body based on the decretal amount, totaling Rs.31,59,28,098/- is being deposited in the account of the Registrar, High Court Aurangabad vide an account payee cheque dated 17.11.2021 drawn on Bank of Maharashtra.

4. Shri Kale submits, on instructions, that earlier the approximate amount was Rs.35,36,00,000/- to the extent of 25% of the decreed amount. What is being deposited is a lesser amount. He further submits that he would have to canvass on the point of a direction to the acquiring body to deposit 50% of the amount.

5. It calls for no debate that the original claimants can always approach this Court for modification of the order. Vide our order dated 18.08.2021, we had concluded that the deposit of 25% of the decreed amount would be an equitable order. Having taken a view that the said amount would be equitus, we had passed the order. Alteration in the said order would not be appropriate at this stage.

6. In view of the above, all these civil applications are allowed on the following conditions:

- a) The cheque, as noted above, shall be deposited in this Court, on or before 22.12.2021.
- b) If the amount is credited to the account of this Court, the

impugned awards shall stand stayed.

c) If the amount is credited in this Court, the applicants would be at liberty to withdraw the said amount by tendering an affidavit undertaking to return the amount in the face of an adverse order.

d) In the event the claimants are aggrieved on the ground of deficit amount deposited as per the calculation or if they desire that a further order for depositing the amount is required, they would be at liberty to file civil applications and the same would be considered on their own merits.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)