

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

924 CIVIL APPLICATION NO.11426 OF 2022
IN FAST/12148/2021 WITH CA/11425/2022 IN FAST/12484/2021
WITH CA/11968/2021 IN FAST/12148/2021 WITH CA/11967/2021
IN FAST/12148/2021 WITH CA/11969/2021 IN FAST/12484/2021
WITH CA/11970/2021 IN FAST/12484/2021 WITH
CA/11971/2021 IN FAST/12480/2021 WITH CA/11424/2022 IN
FAST/12480/2021 WITH CA/11972/2021 IN FAST/12480/2021

BHARAT LIMBAJI KHADE
VERSUS
THE G.M.I.D.C., THR EX. ENGINEER, MINOR IRRIGATION DIV.
BEED AND OTHERS

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Advocate for Applicant : Mr. S. R. Kedar
AGP for Respondents: Mr. S. R. Yadav
Advocate for Respondent No.1 : Mr. Anand Chawre

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/08/2022.**

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P. C. :

**IN CIVIL APPLICATION NO.11967 OF 2021, CIVIL APPLICATION
NO.11971 OF 2021 AND CIVIL APPLICATION NO.11969 OF 2021 :-**

1. The acquiring body is seeking condonation of delay in filing these appeals against the respective awards on the ground that exorbitant compensation has been granted by the Reference Court.
2. The learned counsel for the respondents – claimants strongly opposed the applications. However, considering the statutory right of the acquiring body and for the reasons stated in the applications, the delay of 555 days, which is common in all the applications, stands condoned.

3. The appeals be placed for admission, after removal of office objections, if any. Accordingly, all these applications stand disposed of.

IN CIVIL APPLICATION NO.11426 OF 2022, CIVIL APPLICATION NO.11424 OF 2022 AND CIVIL APPLICATION NO. 11425 OF 2022 :-

1. All these applications are filed by the respective applicants-original claimants for withdrawal of entire amount of compensation, which the respondent acquiring body has deposited while seeking ad-interim relief.

2. The learned counsel for the acquiring body strongly opposed for such withdrawal and submits that the reference court has almost granted 10 times compensation than the compensation granted by SLAO.

3. In view of the same, I am of the opinion that only some part of the amount can be allowed to be withdrawn by the respective claimants. Hence, following order is passed.

ORDER

- A) All the respective claimants-applicants in these applications are allowed to withdraw only 50% of the deposited amount along with the accrued interest thereon till date.
- B) Further it is directed that the respective applicants shall withdraw 25% of the aforesaid amount on usual undertaking to the satisfaction of Registrar (Judicial) of this Court and the remaining 25% amount is

allowed to be withdrawn by the respective applicants on furnishing solvent sureties.

C) The balance 50% of the deposited amount be kept in FDR in any Nationalized Bank during pendency of these appeals.

D) Accordingly, all the applications are disposed of.

IN CIVIL APPLICATION NO.11968 OF 2021, CIVIL APPLICATION NO.11972 OF 2021 AND CIVIL APPLICATION NO.11970 OF 2021 :-

1. It appears that the appellant – acquiring body has deposited entire amounts under compensation in respective awards under challenge. Further, 50% of the aforesaid amounts are already allowed to be withdrawn by the respective claimants.

2. The learned counsel for the original claimants submitted that entire amounts under the awards are deposited but some interest part is remaining.

3. In view of the same, all these applications for stay are made absolute during the pendency of appeals and accordingly the applications are disposed of.

4. The objection raised by the learned counsel for the original claimants in respect of non-deposit of interest amount is kept open.

(SANDIPKUMAR C. MORE, J.)