

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

**CIVIL APPLICATION NO.1333 OF 2023 IN
FIRST APPEAL NO. 1276 OF 2017**

Godawari Marathwada Irrigation
Development Corporation & another Applicants

Versus

Sayyad Sadatullha s/o Syed
Safiullha Bijapure and others Respondents

Dr. Kalpalata Patil-Bharaswadkar, advocate for Applicants
Mrs. A. N. Ansari, advocate for Respondents-claimants.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Leave to add name of second claimant Mr. Syed Anzarullah s/o Syed Safulha Bijapure in the application as well as in the appeal itself. The addition be carried out forthwith.

Heard rival submissions.

The applicant-acquiring body is seeking permission to deposit amount of interest under Section 28 of the Land Acquisition Act, 1894, on the amount awarded as per the judgment and award dated 17.10.2013, passed by the

learned Reference Court in LAR No. 241 of 2010, considering the order of this Court in First Appeal No. 112 of 2020.

The learned Counsel for the respondents-claimants strongly opposed the application on the ground that the aforesaid amount of interest should have been deposited in the disposed of appeal i.e. F. A. No.112/2020 filed by these respondents-claimants.

The learned Counsel for the applicant-acquiring body pointed out that the aforesaid appeal was decided by keeping the acquiring body in the dark by the respondents-claimants.

However, though there are allegations from rival parties against each other, but the fact will remain same that the acquiring body is depositing the interest amount as per the order of this Court in the appeal filed by the respondent-claimants i.e. F. A. No. 112 of 2020. It will make no difference in which appeal the aforesaid amount is deposited since the said amount is to be given to the respondents-claimants only.

As such, the Civil Application stands allowed in terms of prayer clause (b) subject to deposit of aforesaid

amount of interest under Section 28 of the Act, within two weeks. After realization of the cheque for aforesaid amount, the respondents-claimants are at liberty to file withdrawal application in respect of the said amount.

(SANDIPKUMAR C. MORE)
JUDGE

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

**CIVIL APPLICATION NO.1327 OF 2023 IN
FIRST APPEAL NO. 1275 OF 2017**

Godawari Marathwada Irrigation
Development Corporation & another Applicants

Versus

Syed Abdul Aziz s/o Syed Abdul
Rashid (died) through L. Rs. And
another Respondents

Dr. Kalpalata Patil-Bharaswadkar, advocate for Applicants
Mrs. A. N. Ansari, advocate for Respondents-claimants.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Leave to mention all the names of legal representatives of respondent no.1-original claimant in the application itself since the same were already brought on record. Amendment be carried out forthwith.

Heard rival submissions.

The applicant-acquiring body is seeking permission to deposit amount of interest under Section 28 of

the Land Acquisition Act, 1894, on the amount awarded as per the judgment and award dated 17.10.2013, passed by the learned Reference Court in LAR No. 242 of 2010, considering the order of this Court in First Appeal No. 113 of 2020.

The learned Counsel for the respondents-claimants strongly opposed the application on the ground that the aforesaid amount of interest should have been deposited in the disposed of appeal i.e. F. A. No.113/2020 filed by these respondents-claimants.

The learned Counsel for the applicant-acquiring body pointed out that the aforesaid appeal was decided by keeping the acquiring body in the dark by the respondents-claimants.

However, though there are allegations from rival parties against each other, but the fact will remain same that the acquiring body is depositing the interest amount as per the order of this Court in the appeal filed by the respondent-claimants i.e. F. A. No. 113 of 2020. It will make no difference in which appeal the aforesaid amount is deposited since the said amount is to be given to the respondents-claimants only.

As such, the Civil Application stands allowed in terms of prayer clause (b) subject to deposit of aforesaid amount of interest under Section 28 of the Act, within two weeks. After realization of the cheque for aforesaid amount, the respondents-claimants are at liberty to file withdrawal application in respect of the said amount.

(SANDIPKUMAR C. MORE)
JUDGE

adb