

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

**CIVIL APPLICATION NO.1801 OF 2023
IN FA/3446/2022**

SACHIN SOPAN GORSE AND ORS ... Applicants

VERSUS

THE G.M.I.D.C., THR ITS EX. ENGINEER, NANDUR MADHMESHWAR
KALWA VAIJAPUR DIV. AURANGABAD AND ANR ... Respondents

...

Advocate for Applicants : Mr. Rodge Suresh N.
AGP for Respondents/State: Mr. P. M. Kulkarni

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11.07.2023

PER COURT :

1. The applicants along with respondent no.3 were the claimants in L.A.R. No.88/2023 before the Civil Judge, Senior Division, Vaijapur, District Aurangabad. The Reference Court allowed the said L.A.R. vide order dated 02/05/2018 and the Clause No.2 of the order states as under:

“2. Respondents shall pay enhanced compensation @ Rs.8737/- per R for 0.52R (i.e. Claimant No.1-22 R, Claimant No.2 – 12R, Claimant No.3 – 08R, Claimant No.4 – 10R) land in Gat No.156 of village Khambala, Tq. Vaijapur, District Aurangabad.”

2. The acquiring body filed appeal against the award of Reference Court before this Court. Even as per the interim order of this Court, the acquiring body has deposited the total amount of compensation, but there is no bifurcation of the amount in terms of Clause No.2 of the order passed by the Reference Court. The applicants along with respondent No.3 filed a Civil Application No.14308/2022 seeking withdrawal of amount before this Court. This Court, vide order dated 10/10/2022, allowed the application and permitted the applicants to jointly withdraw 50% of the amount along with accrued interest thereon out of the amount deposited by the acquiring body.

3. By this application, the applicants contend that respondent no.3 is not joining with them for withdrawal of the amount in terms of the order dated 10/10/2022 passed by this Court. Therefore, they seek bifurcation of the amount of their share and release to them leaving behind the amount falling to the share of respondent no.3. The notice of this application was given, however, respondent no.3 is not appearing before this Court.

4. Considering the submissions advanced, the case is made out to allow the prayer of the applicants. Applicant nos.1 to 3 be released the amount of their share as per Clause No.2 of the order passed by the

Reference Court dated 02/05/2018. If the bifurcation as projected in Paragraph No.4 of this application is correct, the amount may be disbursed to the applicants accordingly on verification of the bifurcation shown by them.

5. Civil Application is disposed of accordingly.

[S. G. CHAPALGAONKAR, J.]

Sameer