

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

935 CIVIL APPLICATION NO.5129 OF 2022 IN FA/538/2021
WITH CA/5177/2022 IN FA/790/2022 WITH CA/5131/2022 IN
FA/537/2021 WITH CA/5130/2022 IN FA/536/2021 WITH
CA/5285/2022 IN FA/540/2021 WITH CA/5287/2022 IN
FA/539/2021 WITH CA/5289/2022 IN FA/544/2021 WITH
CA/5134/2022 IN FA/542/2021 WITH CA/5125/2022 IN
FA/543/2021

KISAN MAHADA KAWADE (DIED) THR LRS PARVATI KISAN
KAWADE AND ORS
VERSUS
THE G.M.I.D.C., THE ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Ankush Nagargoje h/f
Mr. R. K. Shingnapure
AGP for Respondent-State: Mr. S. N. Kendre
Advocate for Respondent No.1 : Mr. V. V. Dhage h/f
Mr. R. B. Gaikwad
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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 17/02/2023.

P. C. :

1. Heard rival submissions.
2. The respective applicants in all these applications are seeking direction to the respondent No.1- acquiring body for payment of remaining amount of compensation and after such payment for its withdrawal.
3. Admittedly, this court has directed the respondent No.1 acquiring body, who has filed these appeals to deposit entire amounts of compensation alongwith the interest as per the impugned awards. However, the learned counsel for the acquiring

body submits that the acquiring body has deposited amounts of compensation by withholding the amounts granted by learned reference court towards the interest from the date of notification till date of awards. He pointed out that the applicants – claimants if dissatisfied with this act of acquiring body can very well pursue the remedy of execution in respect of recovery of the balance amount.

4. Under such circumstances, it is made clear that the respective applicants can pursue the remedy of execution in respect of recovery of their respective balance amounts irrespective of the conditional order passed by this court dated 11/03/2021. As such, the applications are disposed of without any direction for withdrawal orders.

(SANDIPKUMAR C. MORE, J.)