

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 REVIEW APPLICATION (CIVIL) NO. 113 OF 2023
IN CIVIL APPLICATION NO. 883 OF 2023
AND RA/112/2023 IN CA/877/2023
AND RA/116/2023 IN CA/879/2023
AND RA/115/2023 IN CA/885/2023
AND RA/114/2023 IN CA/881/2023

THE EXECUTIVE ENGINEER SEENA KOLEGAON MEDIUM
PROJECT PARANDA OSMANABAD
VERSUS
ANNA GOVIND JADHAV DIED THROUGH CHANDRAKANT
AND OTHERS

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Mr. M.S. Kulkarni – Advocate for Applicants
Mr. P.M. Kulkarni – AGP for Respondent Nos.2 and 3
Mr. A.S. More – Advocate for Respondent Nos.1A to 1D

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 28th August, 2023

PER COURT :

1. Heard rival submissions.

2. The applicants in all these applications are seeking review of the order passed by this Court on 24.01.2023 in Civil Application No. 883 of 2023 and other connected applications, whereby the appellant – acquiring body was asked to deposit of entire amounts alongwith the interest at

the time of granting stay in terms of prayer clause 'A' in those applications.

3. Learned Counsel for the applicants produced on record order dated 28.10.2021 passed by earlier bench of this Court wherein the acquiring body was directed to deposit 50% or 60% amounts of the impugned awards at the time of seeking stay to the execution. The learned Counsel for the applicants therefore pointed out that, as per Order XLVII Rule 1 of Civil Procedure Code, the review application is maintainable since these orders were not placed on record at the time of passing of order dated 24.01.2023.

4. On the contrary, the learned Counsel for all the respective respondents – claimants produced on record one another order from the same acquisition dated 30.03.2022, which was based upon earlier order of this Court dated 05.05.2017 in other connected matters. In the earlier order dated 05.05.2017, this Court had directed the acquiring body to deposit 100% of the compensation amounts but it was reduced to 75% under order dated 30.03.2022. Thus, it

appears that some concession needs to be given to the acquiring body in depositing the compensation amounts. In view of the same, following order is passed :

ORDER

- (a) All the review applications are hereby allowed and the order dated 24.01.2023 passed in group of Civil Application No. 883 of 2023 alongwith the similar applications, is set aside with direction to the applicant/appellant – acquiring body to deposit 75% of the amounts of impugned awards in all these applications alongwith the proportionate interest thereon instead of 100% of the same, within a period of eight weeks.
- (b) The applications are disposed of.

[SANDIPKUMAR C. MORE]
JUDGE