

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

**972 CIVIL APPLICATION NO.14203 OF 2023
IN FAST/14447/2022 WITH CA/10330/2022 IN
FAST/14447/2022 WITH CA/10332/2022 IN
FAST/14447/2022**

**SHRIRAM GOPINATH MADHEKAR (DIED) HIS LRS. SULBHA AND
ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS**

...

Advocate for Applicants: Mr. Deshmukh Mohit R.

AGP for Respondent/State: Mrs. M. L. Sangit

Advocate for Respondent No.3: Ms. Sunita D. Shelke

...

AND

...

**976 CIVIL APPLICATION NO.14214 OF 2023
IN FAST/13926/2022 WITH CA/10002/2022 IN
FAST/13926/2022 WITH CA/10000/2022 IN
FAST/13926/2022**

**SAHEB NARHARI WARIK (DAKE) (DIED) THR LRS DEVIDAS
ANDORS**

VERSUS

**THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OAMANABADAND ORS**

...

Advocate for Applicants: Mr. Deshmukh Mohit R.

AGP for Respondent/State: Mrs. M. L. Sangit

Advocate for Respondent No.3: Ms. Sunita D. Shelke

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 30th NOVEMBER, 2023

PER COURT:

1. Heard.

2. The present appeals are filed by the acquiring body and stay is granted on deposit of 75% amount as directed by the reference court along with accrued interest thereon.

3. The learned counsel for the applicants has taken me through the evidence discussed by the appellate court. The adjacent lands are sold for Rs.60,000/- per Are. The reference court has also reduced 75% as the sale instance is for a similar piece of land and has granted claimants Rs.15,000/- per Are, as such, the learned counsel submits that the amount granted is not excess. He further submits that he has filed independent first appeals for enhancement and he submits that the amount granted by the reference court is on the lower side.

4. In view of the submissions made and the evidence discussed, prima facie, without going into the merits of the matter, the applicants are permitted to withdraw 50% of the amount as directed by the reference court along with accrued interest thereon. At the request of the learned counsel for

This order is corrected vide 'speaking to minutes' order dated 02.09.2024

the applicants 50% of the amount along with accrued interest of the entire compensation be transmitted to the Civil Judge Senior Division, Paranda, District – Osmanabad in Special Darkhast No.316 of 2019, Special Darkhast No.228 of 2019 for disbursal. The undertaking to be filed to the satisfaction of the Civil Judge Senior Division, Paranda, District – Osmanabad. The civil applications for withdrawal of amount are disposed of.

5. For the reasons mentioned in the applications for condonation of delay, the delay of 1017 and 968 days in filing the first appeals in respective matters is condoned. The civil applications stand disposed of.

6. The interim stay granted by this court stands confirmed. The civil applications for stay stand disposed of.

7. The First Appeals are **admitted**. On admission, the learned counsel / AGP waive notice for the respective respondents. Call R & P. Office

This order is corrected vide 'speaking to minutes' order dated 02.09.2024

objections, if any, to be removed within a period of four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

marathe