

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

**CIVIL APPLICATION NO.10997 OF 2022
IN FA/544/2020**

**SHAMSUNDAR VISHWANATH SHERKHANE
VERSUS
THE STATE OF MAHARASHTRA THR ITS COLLECTOR,
LATUR AND ORS**

...

Mr. N. D. Kendre, Advocate for the Applicant.
Mrs. P. V. Diggikar, AGP for Respondents-State.
Mrs. Chaitali R. Kutti-Choudhary, Advocate for Respondent No.3.

...

**AND
CIVIL APPLICATION NO.1061 OF 2020
IN
FA/544/2020**

**THE EX. ENGINEER MINOR IRRIGATION DIVISION, LATUR
VERSUS
SHAMSUNDAR VISHWANATH SHERKHANE AND ORS.**

...

Mrs. Chaitali R. Kutti-Choudhary, Advocate for the Applicant.
Mrs. P. V. Diggikar, AGP for Respondents-State.
Mr. N. D. Kendre, Advocate for Respondent No.1.

...

**AND
CIVIL APPLICATION NO.10996 OF 2022
IN
FA/544/2020**

**MAHESH S/O VISHWANATH SHERKHANE AND ORS.
VERSUS
THE EX. ENGINEER MINOR IRRIGATION DIVISION, LATUR**

...

Mr. B. M. Dhanure, Advocate for the Applicants.
Mrs. P. V. Diggikar, AGP for Respondents-State.
Mrs. Chaitali R. Kutti-Choudhary, Advocate for Respondent No.1.
Mr. N. D. Kendre, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14th JULY, 2023.

PER COURT:-

1. In the Reference under Land Acquisition Act, the Award is passed by the Civil Judge, Senior Division, Latur dated 11.12.2017. The acquiring body subjected the award to challenge before this Court.

2. The original claimant had moved execution proceeding before the Executing Court in pursuance of the award. The intervenor i.e. applicants in Civil Application No.10996/2022 are claiming that original claimants in Land Acquisition Reference had entered into an amicable settlement with them before the Executing Court. However, the terms of the compromise not yet accepted by the Executing Court.

3. The acquiring body has deposited the part of the amount of compensation in this Court in pursuance of the order passed on stay application. Now, the original claimant is seeking withdrawal of the amount, which is opposed by the intervenor on the ground that there is amicable settlement before the Executing Court. Therefore, in terms of settlement, the intervenors are also entitled for withdrawal of part of the amount.

4. Considering the dispute placed before this Court, it would be appropriate to transmit the amount deposited in this Court to the Executing Court at Latur in L.A.R. No.74/2018 pending before the 2nd Joint Civil Judge, Senior Division at Latur. The Executing Court after considering the rival claims may pass

an order regarding disbursement of the amount. However, such disbursement shall be subject to final outcome of appeal pending before this Court.

5. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2023