

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE KISHORE C. SANT,
HELD ON 30.04.2023,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD

38 CIVIL APPLICATION NO.13751 OF 2012
IN FAST/27511/2012 WITH CA/13752/2012 IN FAST/27511/2012
THE STATE OF MAH
VERSUS
BABURAO KASHINATH KAKADE AND ORS

...

Mr. A. M. Phule, APP for the petitioner in respective matters
Mr. Prabhodaya Govind Mulay, DC(G) is present
Mr. Boob Santosh, Exe. Engg. is present

ORDER
(30th APRIL, 2023)

1. These matters are placed before us in today's National Lok-Adalat.

Civil Applications for delay:-

1. Having regard to the reasons mentioned in the applications and as the parties have arrived at amicable settlement, it is desirable to condone the delay. The delay stands condoned. The civil applications for condonation of delay, if any stand allowed and disposed off. Office to register the appeals.

First Appeals:-

1. Mr. Phule, learned AGP submits that above numbered groups of appeals are squarely covered by Government Resolution No. Sankirna-2014/pra.kra4/Bham-1/A-4 dated 03-11-2016 with Government Corrigendum dated 23-02-2017 and 13-08-2018 to the said Government Resolution. Hence, the groups of appeals can be withdrawn as per the policy decision taken by the Government of Maharashtra. Accordingly, the State is withdrawing these appeals.

2. The learned AGP states that entire amount in these appeals has been deposited and later-on the said amount has been withdrawn by the original claimants by obtaining orders from this court. He submits that in these circumstances nothing survives in these appeals.

3. However, before disposing off the appeals, it is further clarified that in case the amount is not deposited as per the award,

the State Government undertakes to deposit the said amount within a period of six months in the concerned Reference Court. If the amount is not deposited within six weeks, then it shall carry the interest in terms of Sections 28 or 34 of the Act, as the case may be. If the amount is not withdrawn by the claimants/respondents, same is allowed to be withdrawn and office to allow withdrawal. If the said amount is not deposited, they are at liberty to withdraw the same after the amount is deposited.

4. If, there are cross appeals challenging the judgment and award seeking enhancement and challenging the impugned judgment and award to the extent of not enhancing the amount as prayed for. No order is necessary on the cross-objections. The parties are free to prosecute the same.

5. The first appeals stand disposed off as withdrawn.

6. No order as to costs.

7. The court fee refund certificate be issued as per the provisions under the Maharashtra Court Fees Act, 1959.

8. In view of withdrawal of these appeals, pending civil applications, if any stand disposed off.

[A. R. BORULKAR]

Advocate
Member

[S. G. SHETE]

DJ (Retd.)
Member

[KISHORE C. SANT, J.]

Head of Panel