



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 4435 OF 2024
IN FAST/13921/2023

VIMALBAI DHANRAJSINGH THAKUR
VERSUS
THE EXECUTIVE DIRECTOR GMIDC THROUGH THE
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION NO1
AND ORS.

...
Advocate for Applicant : Mr. Hajare Abhishek Madhukar
AGP for Respondent Nos. 2 & 3 : Mr. S.N.Kendre
Advocate for Respondent No. 1 : Mr. S.G. Bhalerao
...

CORAM : S. G. MEHARE, J.

DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the applicant respectively and the learned Counsel for the non applicant.
2. Issue notice to the respondents, returnable on 25.06.2024.
- 3 Learned Counsel Mr. Bhalerao, waives service of notice for respondent/Claimants.
4. Learned AGP waives service of notice for respondent

State.

5. The appellant has impugned the judgment and award of the reference Court mainly on the ground that the class of land was incorrectly considered and the sale instance which was available with the Land Acquisition Officer has not been considered and the interest has been granted against the full Bench judgment reported in **State of Maharashtra vs. Kailash Shiva Rangari AIR 2016, Bom. 141.**

6. Learned Counsel for the applicant submits that in similarly situated matters the appellant has decided not to prefer appeal, as it is not more than four times of the award. In such circumstance, following order :

ORDER

- a) The application is partly allowed.
- b) The applicant is allowed to withdraw of 75% of the amount deposited with Court with proportionate interest, on the undertaking that he would re-deposit the money if the impugned judgment and award is reversed.

(S. G. MEHARE)
JUDGE

mahajansb/