



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8593 OF 2022
IN CA/9589/2021 IN FA/2040/2021
WITH CA/8592/2022 IN CA/9593/2021 IN FA/2042/2021
WITH CA/8591/2022 IN CA/9591/2021 IN FA/2041/2021

The Executive Engineer,
Irrigation Department Strengthening Division,
Omerga and Others

..APPLICANTS

VERSUS

Rajendra Shankar Hingmire

..RESPONDENT

....
Mr. R.A. Tambe, Advocate for applicants
Mr. G.K. Sontakke, Advocate for respondent

....

CORAM : R.G. AVACHAT, J.
DATE : 29th NOVEMBER, 2024

PER COURT :

1. These civil applications have been preferred for modification of order dated 20th September, 2021 directing the applicant – acquiring body to deposit the entire amount under the award impugned in the appeals alongwith interest accrued thereon.

2. Learned counsel for the applicants submits that there is shortage of funds, so the order could not be complied with. He urges this Court to modify the order making it direct to deposit 50% amount under the award. According to him, increase in the compensation granted by the reference

Court was on higher side and he hopes success on merit in the appeal. He further submits that reliance on the valuer's report was incorrect and the same is under challenge in this appeal.

3. For the present, this Court is inclined to modify the order to make it 70% of the award amount with interest accrued thereon till date of deposit, instead of 100% award amount. The order shall be complied within three months, failing which the consequences may follow. Stay to the execution of award to stand extended for next three months.

4. In view of above, civil applications stand disposed of.

(R.G. AVACHAT, J.)

SSD