



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

**CIVIL APPLICATION NO. 9055 OF 2016
IN FAST/17533/2016**

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD (UNDER K.K.V.M.PUNE) AND ORS

VERSUS

BALIRAM BALU DEVKAR

WITH

**CIVIL APPLICATION NO. 9063 OF 2016
IN FAST/18071/2016**

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD (UNDER K.K.V.M.PUNE) AND ORS

VERSUS

PANDURANG BALU DEVKAR

WITH

**CIVIL APPLICATION NO. 9057 OF 2016
IN FAST/18074/2016**

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD (UNDER K.K.V.M.PUNE) AND ORS

VERSUS

MANIK BALU DEVKAR

WITH

**CIVIL APPLICATION NO. 9059 OF 2016
IN FAST/18130/2016**

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD (UNDER K.K.V.M.PUNE) AND ORS

VERSUS

SUKHDEO BALU DEVKAR

WITH
CIVIL APPLICATION NO. 9061 OF 2016
IN FAST/18133/2016

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD (UNDER K.K.V.M.PUNE) AND ORS
VERSUS

MACHINDRA BALU DEVKAR

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Mr. R. A. Tambe, Advocate for applicants

Mr. E. S. Murge and Mr. L. C. Patil, Advocates for respondent in
respective matters

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 21 MARCH 2024

PER COURT :-

1. Heard both the sides at length.
2. The applicants – acquiring body have filed the present application and pray for stay the effect and operation of the judgment and award dated 14.07.2014 passed by the learned Civil Judge, Senior Division, Bhoom, District Osmanabad in L.A.R. No.800 of 2014 (Old L.A.R.No.735 of 2012), L.A.R. No.801 of 2014 (Old L.A.R. No.736 of 2012), L.A.R. No.802 of 2014 (Old L.A.R. No.737 of 2012), L.A.R. No.803 of 2014 (Old L.A.R. No.738 of 2012) and L.A.R. No.799 of 2014 (Old L.A.R. No.734 of 2012), respectively, during pendency of the appeals.
3. The learned Counsel appearing for the applicants submits that the appellants/applicants having every hope to succeed in the

matter and the compensation may be reduced which have been granted by the reference Court and if the respondents – claimants execute the award, in that event, the appeals would be infructuous.

4. The learned Counsel appearing for the respondents /claimants submit that the award is in the nature of money decree which cannot be stayed without imposing any cost, so also due to acquisition of the land, the non applicants are became landless and they are having no source of income. Hence, pray for rejection of the application.

5. It is well settled principle of law that the judgment and award passed in the land acquisition proceedings cannot be stayed without putting any conditions. Therefore, considering the pendency of the appeals for seeking modification of judgment and award, it would be just and proper to stay the effect and operation of the impugned judgment and award on depositing the entire amount of compensation under the award, in this Court, within a period of 12 weeks from today with accrued interest, if any, thereon.

6. Accordingly, the civil applications stand disposed of.

[Y. G. KHOBRADE, J.]