



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1027 CIVIL APPLICATION NO. 8614 OF 2024
IN FA/1707/2020

Krashna Shravan Nhavi
(Deceased through LRs) & othersApplicants

VERSUS

The Ex. Engineer
Minor Irrigation Division, Jalgaon & othersRespondents

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Mr. V. P. Patil, Advocate for Applicants.

Mr. A. D. Pawar, Advocate for Respondent Nos. 1 and 2.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16th AUGUST, 2024.

PER COURT :

1. The acquiring body has filed appeal assailing the award passed by the Reference Court in LAR No. 8467/2010. In pursuance to the said appeal, this Court granted interim stay to the award on condition that the acquiring body deposits entire awarded amount.

2. Learned counsel Mr. Patil submits that the acquiring body has deposited only amount of Rs. 31,29,728/- which is almost 54% of the amount awarded. He further points out that

approximately the amount of Rs. 11,46,000/- is deposited with the Registry of this Court and balance amount is deposited with the Reference Court. He would therefore seek withdrawal of the amount.

3. Mr. Pawar, learned counsel for the acquiring body however opposes the application contending that exponential award is passed by the Reference Court which requires modification in the appeal.

4. Having considered the submissions advanced and the reasoning adopted by the Reference Court, it cannot be disputed that the applicants have lost their agricultural land and they are entitled for enhanced compensation. The acquiring body inspite of direction to deposit entire awarded amount, deposited only 54% of the amount by this date. In that view of the matter, the claimants are permitted to withdraw amount deposited by acquiring body on furnishing undertaking to the effect that in case adverse order is passed, they shall deposit the amount withdrawn with interest as directed by this Court within the period specified.

5. In that view of the matter, civil application is partly allowed and disposed of.

(S. G. CHAPALGAONKAR)
Judge

dyb