



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

**CIVIL APPLICATION NO. 13137 OF 2023
IN
FIRST APPEAL NO. 1242 OF 2024**

The Executive Engineer,
MID Latur, Now LMID Latur
Under G.M.I.D.C. Aurangabad and Others ..APPLICANTS

VERSUS

Manik Havagirao Gangapure and Others ..RESPONDENTS

**AND CA/13140/2023 IN FA/1241/2024 AND CA/13144/2023 IN FA/1240/2024
AND CA/13147/2023 IN FA/1239/2024 AND CA/13149/2023 IN FA/1238/2024
AND CA/367/2024 IN FA/1252/2024 AND CA/369/2024 IN FA/1257/2024
AND CA/371/2024 IN FA/1256/2024 AND CA/373/2024 IN FA/1255/2024
AND CA/375/2024 IN FA/1253/2024 AND CA/377/2024 IN FA/1254/2024
AND CA/379/2024 IN FA/1258/2024 AND CA/709/2024 IN FA/1308/2024
AND CA/711/2024 IN FA/1313/2024 AND CA/713/2024 IN FA/1312/2024
AND CA/715/2024 IN FA/1311/2024 AND CA/718/2024 IN FA/1314/2024
AND CA/720/2024 IN FA/1310/2024 AND CA/722/2024 IN FA/1305/2024
AND CA/724/2024 IN FA/1306/2024 AND CA/726/2024 IN FA/1304/2024
AND CA/728/2024 IN FA/1307/2024 AND CA/730/2024 IN FA/1303/2024
AND CA/732/2024 IN FA/1302/2024 AND CA/734/2024 IN FA/1309/2024
AND CA/736/2024 IN FA/1301/2024 AND CA/738/2024 IN FA/1316/2024
AND CA/740/2024 IN FA/1317/2024 AND CA/742/2024 IN FA/1318/2024
AND CA/744/2024 IN FA/1300/2024 AND CA/746/2024 IN FA/1315/2024**

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Mr. R.S. Deshmukkh, Senior Advocate i/b Mr. B.R. Survase, Advocate for applicant

Mr. P.V. Mandlik, Senior Advocate i/b Mr. S.S. Chillarge and Mr. S.J. Sonkawade, Advocate for claimants in respective applications

Mr. S.V. Hange, A.G.P. for respondent - State

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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 04th OCTOBER, 2024**

PER COURT :

1. These are the applications by the acquiring body for Stay to the judgment and award passed by the Reference Court.
2. Learned senior counsel appearing for the appellant – acquiring body submits that the appellant is ready to deposit 7.5% of the amount calculated by the reference Court, which comes to Rs.15 crores. He further submits that four month's time be given to deposit the said amount. He submit that the impugned judgment and award be stayed.
3. Learned counsel for the claimants opposes the applications. He submits that 70% of the amount determined by the learned Reference Court be deposited by the appellant. He submits that Single Bench of this Court in Civil Application No. 8597 of 2020 directed the acquiring body to deposit 70% of the award amount for granting stay, therefore, similar order be passed in these applications.
4. Learned counsel for the acquiring body submits that the said order was relating to four small N.A. plots, and therefore, 70% of the award amount i.e. Rs.1 crore per plot was directed to be deposited. He submits that this is not the case in the matter in hand.

5. In the case in hand, it is not in dispute that the amount is enhanced upto 100 times, which is of course challenged in the appeal. Considering the nature of litigation and amount enhanced by the reference Court, we proceed to pass the following order :-

There shall be stay to the impugned judgment and award, subject to deposit 50% of the award amount passed by the learned Reference Court within a period of twelve (12) weeks, failing which the interim relief shall stand vacated without reference to this Court. Civil applications stand disposed of accordingly.

(NEERAJ P. DHOTE, J.)

SSD

(R.G. AVACHAT, J.)