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6-CA-11520-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CIVIL APPLICATION NO. 11520 OF 2024
IN FAST/27714/2024

The Executive Engineer, Irrigation Project Strengthening Division Omerga,
Dist. Osmanabad.

VERSUS

Shivappa Parsappa Birajdar And Ors

WITH

CIVIL APPLICATION NO. 11521 OF 2024
IN FAST/27714/2024

AND

7 CIVIL APPLICATION NO. 11522 OF 2024
IN FAST/27707/2024

The Executive Engineer Irrigation Project Strengthening Division At Omerga
Dist Osmanabad

VERSUS

Chanbas Sataapa Chowgule And Ors

WITH

CIVIL APPLICATION NO. 11523 OF 2024
IN FAST/27707/2024

AND

8 CIVIL APPLICATION NO. 11524 OF 2024
IN FAST/27314/2024

The Executive Engineer, Irrigation Project Strengthening Division Omerga,
Dist. Osmanabad.

VERSUS

Shivaji Apparao Birajdar Died Through Lrs Girjaapa And Ors

AND

9 CIVIL APPLICATION NO. 11525 OF 2024
IN FAST/27603/2024

The Executive Engineer Irrigation Project Strengthening Division At Omerga
Dist Osmanabad

VERSUS

Kalyan Madhav Birajdar And Ors
WITH
CIVIL APPLICATION NO. 11526 OF 2024
IN FAST/27603/2024
AND
12 CIVIL APPLICATION NO. 11535 OF 2024
IN FAST/27717/2024

The Executive Engineer, Irrigation Project Strengthening Division Omerga,
Dist. Osmanabad.

VERSUS

Ashok Ramchandra Birajdar And Ors
WITH
CIVIL APPLICATION NO. 11536 OF 2024
IN FAST/27717/2024
AND
13 CIVIL APPLICATION NO. 11537 OF 2024
IN FAST/27720/2024

The Executive Engineer Irrigation Project Strengthening Division At Omerga
Dist Osmanabad

VERSUS

Jaggannath Naghnath Babarao Ghotalkar Mane Died Through His Lrs
WITH
CIVIL APPLICATION NO. 11538 OF 2024
IN FAST/27720/2024
AND
14 CIVIL APPLICATION NO. 11545 OF 2024
IN FAST/27325/2024

The Executive Engineer Irrigation Project Strengthening Division At Omerga
Dist Osmanabad

VERSUS

Sunil Pandhitrao Birajdar And Ors
WITH
CIVIL APPLICATION NO. 11546 OF 2024
IN FAST/27325/2024

AND
15 CIVIL APPLICATION NO. 11547 OF 2024
IN FAST/27710/2024

The Executive Engineer, Irrigation Project Strengthening Division Omerga,
Dist. Osmanabad.

VERSUS

Sopan Chandrappa Kamble Died Thr. Lrs Girjabai Sopan Kamble And Ors
WITH
CIVIL APPLICATION NO. 11548 OF 2024
IN FAST/27710/2024

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Mr. Rahul A. Tambe, Advocate for Applicant.

Mr. Shashikiran N. Patil for Respondent- Claimant in respective applications.

Mr. K. S. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 2nd DECEMBER 2024

PC :-

CIVIL APPLICATIONS FOR STAY

1. Heard.
2. The learned Advocate for the appellant vehemently prays for stay to the impugned judgment and order. He submits that the appellant is ready to deposit 50% of the amount of award alongwith accrued interest in the office of this Court. He relied on the order dated 8th December 2023 passed in Civil Application No.14641 of 2023 and other connected applications. He also submits that, this order is passed in the matters arising out of the same acquisition proceedings. The report by the claimants were prepared behind

back of the appellant authority. The said valuation cannot be relied upon and it is for this purpose the earlier Court has granted stay on condition of depositing 50% of the amount. He pointed out from the relevant paragraph of the impugned judgment and order that no specification of the properties acquired were given. Even the number of rooms of the house is not mentioned. The facilities in the house whether bathroom is there nothing is mentioned.

3. The learned Advocate for the respondents-claimants submits that in fact the earlier order passed by this Court dated 6th October 2021 shows that the stay was granted subject to depositing 75% of the amount alongwith interest. In the Civil Application No.10709 of 2021 in First Appeal (ST) No.23636 of 2021 dated 6th October 2021, he submits that this order also came to be passed in the matters arising out of same acquisition proceedings.

4. The learned Advocate for Respondents further submits that the compensation awarded in many cases is even less than Rs.1 lakh. It is in the range of 50,000 to 90,000/-. He submits that in fact 100% amount should be directed to be deposited for stay. All the claimants are poor persons.

5. Considering above, it is seen that the amounts of compensation are very meager amounts. It is now settled that normally unless extra ordinary

circumstances are made out, 100% of the amount should be deposited in the appeal.

6. However, considering that earlier order, this Court is inclined to pass following order:

ORDER

. Heard. There shall be stay to the impugned judgment and order subject to depositing 75% of the amount alongwith interest as per impugned judgment and award in the office of this Court within a period of twelve weeks.

CIVIL APPLICATIONS FOR DELAY

1. Heard. For the reasons stated in the application, delay stands condoned. Application is allowed.

2. Office to register the Appeal.

FIRST APPEALS

1. Heard.

2. Issue notice to the Respondents, returnable on 10th March 2025.

3. Mr. Patil, learned Advocate for respondent waives service of notice for claimant.

4. Learned AGP waives for Respondent/State in respective appeals.

[KISHORE C. SANT, J.]