



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**913 CIVIL APPLICATION NO. 8078 OF 2024  
IN FAST/29615/2023**

VAIJINATH BABURAO WAYAL AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA

...  
Advocate for Applicant : Mr. Kshitij H. Surve.  
AGP for Respondent/State : Mr. S. K. Shirse.  
Advocate for Respondent No.2 : Mr. S. C. Arora.  
...

AND  
**CIVIL APPLICATION NO. 8079 OF 2024  
IN FAST/29612/2023**  
AND  
**CIVIL APPLICATION NO. 8080 OF 2024  
IN FAST/29608/2023**  
AND  
**CIVIL APPLICATION NO. 12031 OF 2023  
IN FAST/29608/2023**  
AND  
**CIVIL APPLICATION NO. 12032 OF 2023  
IN FAST/29608/2023**  
AND  
**CIVIL APPLICATION NO. 12027 OF 2023  
IN FAST/29612/2023**  
AND  
**CIVIL APPLICATION NO. 12028 OF 2023  
IN FAST/29612/2023**  
AND  
**CIVIL APPLICATION NO. 12029 OF 2023  
IN FAST/29615/2023**  
AND  
**CIVIL APPLICATION NO. 12030 OF 2023  
IN FAST/29615/2023**  
...

CORAM : **KISHORE C. SANT, J.**

DATE : 11<sup>th</sup> October, 2024.

**P.C.:****On applications for condonation of delay:**

. Heard the learned counsel for the parties.

2 In the applications for condonation of delay, for the reasons stated in the applications, the delay stands condoned. The applications are allowed. Appeals be registered.

**On the applications for stay:**

3 The amount is already deposited by the appellants in this Court alongwith interest. In view of the same, the effect, execution and operation of the impugned judgment and award is stayed.

**On the applications for withdrawal of amount:**

4 The applications are opposed by the learned counsel for appellants. He submits that already the Court has granted compensation @ Rs.1900 per R for the land. Only towards the trees, the applicants are not entitled to receive any compensation as while considering the rate for the land, the Court has already considered the value of the land alongwith trees and therefore, no separate compensation could have been granted to the applicants. He submits that there are chances of success in the appeals. However, considering that the amount is already deposited in this Court, no purpose would be served by keeping the said amount idle. Hence, the following order:-

**ORDER**

I. The applicants/ claimants are permitted to withdraw 50% of the amount deposited in this Court alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeals.

II. With this, the civil applications are disposed of.

**On appeals:**

5 The record and proceedings be called for.

6 The parties are put to notice that if time permits, this Court may take up the appeals for final hearing.

7 CA NO. 9166 of 2024 IN FAST No.22384/2024, CA NO.9168 OF 2024 IN FAST NO.22272/2024 and CA NO.9167 OF 2024 IN FAST NO.22386/2024 be listed alongwith present appeals filed by the claimants for enhancement.

**[ KISHORE C. SANT, J. ]**