



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

**CIVIL APPLICATION NO. 9620 OF 2023
IN FA/1511/2014**

**MAHADEV DEVRAO MISKIN (DIED) THR LRS. SAVITA MAHADEV
MISKIN AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ANR**

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Mr. V. S. Tanwade, Advocate for the Applicants

Ms Chaitali Chaudhari – Kutti, AGP for Respondent No.1 - State

Mr. R. A. Tambe, Advocate for Respondent No.2

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 14.01.2025

PER COURT :-

1. Heard the learned counsel for the Applicants and the learned counsel for the non-applicant No.2, at length. The non-applicant No.1 - State is the formal party.

2. By the present Application, the applicants/original claimants prayed for issuance of directions to non-applicant No.2 Acquiring Body to deposit remaining 50% amount of compensation awarded by the learned reference Court in L.A.R. No.545 of 2011.

3. It is a matter of record that House No.1/1, 1/2 and 1/2-B, total admeasuring 90.51 square meter, situated at village Domgaon, Taluka Paranda, District Osmanabad, acquired by the non-applicant No.2, for construction of Sina Kolegaon medium project. The claimants are the owners of the said houses. On 15.10.2013, the learned C.J.S.D. Paranda / reference Court, passed an award in L.A.R. No.545 of 2011 and held that the claimants are entitled for total enhanced compensation of Rs.2,31,186/-. It is further held that the claimants are entitled to get solatium at the rate of 30%, interest at the rate of 09% p.a., for the first year and interest at the rate of 15% p.a., for the subsequent years on enhanced compensation amount from the date of taking of possession of acquired houses i.e. 18.08.1998.

4. On 30.09.2014, this Court passed an order in Civil Application No.4291 of 2014, which reads as under:-

“Civil Application is not on board. By consent, taken on board for orders.

2. Heard learned Counsel for the parties.

3. This application is preferred by acquiring body for stay to the execution and implementation of judgment and award dated 15th October 2013 passed by the learned Civil Judge, Senior Division, Paranda in L.A.R.No.545/2011 (Old L.A.R.No.173/2003).

4. *This Court (Coram : M.T.Joshi, J.) by order dated 8th May 2014, granted stay to the execution of the award until further orders upon deposit of 50% of the enhanced amount together with accrued interest, component etc. within a period of twelve weeks. The learned Counsel for respondents – original claimants submits that till today, the applicant has not deposited the said amount, either in this Court or in reference Court. Considering the submissions made by learned Counsel for the parties, the following order is passed :*

(A) Applicant is granted time till 7th November 2014 to deposit the amount as per order dated 8th May 2014 passed by this Court (Coram : M.T.Joshi, J.); failing which this Civil Application shall stand dismissed without referring back to the Court.

(B) If amount is deposited within time, as stated hereinabove, Respondents/original claimants are entitled to file application for withdrawal of the amount and that application will be decided on its own merits.

(C) If amount is not deposited within stipulated time, as stated herein above, the respondents – original claimants are entitled to execute the award according to law.

5. *Civil Application stands disposed of accordingly.”*

5. On perusal of the present Application, it does not specified the reason as to why the non-applicant No.2 - Acquiring Body can be directed to deposit remaining 50% amount of compensation. Nonetheless, by the present Application, the Applicants / original claimants are claiming review of order dated 30.09.2014. Therefore, I do not find any substance to grant the present Application at this stage. Accordingly, the same is rejected.

6. As the matter is pending since last more than 10 years pertaining to the compensation of the acquired land / houses, the Acquiring Body / Appellant is hereby directed to file private paperbook within a period of eight weeks from today. After the paper-book is filed, the matter would be heard finally at the stage of admission.

7. In the meanwhile, call Record and Proceedings of L.A.R. No.545 of 2011 from the file of the learned Civil Judge, Senior Division, Paranda.

[Y. G. KHOBRAGADE, J.]

SMS