



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

**1014 CIVIL APPLICATION NO. 9766 OF 2025
IN FAST/38068/2023**

WITH

**CIVIL APPLICATION NO. 7166 OF 2025
IN FAST/38068/2023**

WITH

**CIVIL APPLICATION NO. 15329 OF 2023
IN FAST/38068/2023**

WITH

**CIVIL APPLICATION NO. 15330 OF 2023
IN FAST/38068/2023**

AND

**1016 CIVIL APPLICATION NO. 9771 OF 2025
IN FAST/38072/2023**

WITH

**CIVIL APPLICATION NO. 7177 OF 2025
IN FAST/38072/2023**

WITH

**CIVIL APPLICATION NO. 15333 OF 2023
IN FAST/38072/2023**

WITH

**CIVIL APPLICATION NO. 15334 OF 2023
IN FAST/38072/2023**

Executive Engineer Minor Irrigation Division Latur

VERSUS

Govind S/o Motiram Rathod And Ors

...

Mr. Anand Chawre, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents-State

**Mr. R. V. Gore h/f Mr. R. M. Gaikwad, Advocate for
Respondent no.2**

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 11TH SEPTEMBER, 2025

ORDER :-**CIVIL APPLICATION NO. 7166 OF 2025****CIVIL APPLICATION NO. 7177 OF 2025**

. These applications are filed by the appellant in the First Appeal St. No.38068 of 2023 and 38072 of 2023. It is submitted that while seeking stay to the execution and operation of the award dated 11.11.2021, passed by the learned Joint Civil Judge Senior Division, Udgir, Dist. Latur in L.A.R. No.05 of 2011 and 07 of 2011 respectively.

2. The appellant was directed to deposit the entire award amount within a period of eight weeks with effect from 13.02.2024 as per the order passed by this Court on 13.02.2024. It is further submitted that in the same order, it was mandated that if the amount so directed is not deposited within the given time, the stay would stand automatically vacated. It was also ordered that there would be no further explanation of time to deposit the award amount.

3. Learned Advocate Mr. A. P. Chawre, appearing for appellant further submits that although belatedly, but the appellant deposited the entire payable amount in this Court on 17.07.2025.

4. Learned Advocate Mr. R. V. Gore h/f Mr. R. M. Gaikwad, appearing for the real stake holder i.e. the claimant agree with this submissions made by Mr. A. P. Chawre, learned Advocate for appellant.

5. Since, the entire payable award amount is deposited in this Court, though belatedly, and while the claimants have filed an application for withdrawal of such amount, as also the claimants have not objection for the belated deposit, I pass the following order:

ORDER

a. Civil Application Nos.15330 of 2023 and 15334 of 2023 filed by the Acquiring Body seeking stay to the execution and operation of the judgment and award in the respective First Appeals stand allowed in terms of prayer clause 'A'.

b. In view of this, the purpose of Civil Application Nos.7166 of 2025 and 7177 of 2025 stand served and are disposed of.

CIVIL APPLICATION NO. 15329 OF 2023 (DELAY)

CIVIL APPLICATION NO. 15333 OF 2023 (DELAY)

. These are the Civil Applications for condonation of delay of 498 days caused in filing the First Appeals.

2. Mr. Anand Chawre, learned Advocate for applicant

submits that the delay is caused due to some unavoidable administrative exigencies. He would further submits that the applicant/Acquiring Body has deposited entire payable award amount in this Court, Hence, in any case, the interest of the claimants is secured. He further submits that appeal consists of good grounds to be debated at the hearing. Mr. Chawre further submits that there is no lethargy or negligence on the part of any authority in causing the delay, it is occurred only due to office procedures of securing a number of approvals and approval of funds that has resulted into the present delay. With this Mr. Chawre prays for condonation of delay.

3. Learned Advocate Mr. R. V. Gore and Learned AGP Mr. S. S. Dande records his no objection for condonation of the delay, since the appellant has deposited the entire payable award amount in this Court.

4. In view of above considerations, following order:

ORDER

- a. Civil Applications for condonation are allowed.
- b. Delay of 498 days caused in filing the First Appeals is hereby condoned.

c. Appeals be registered, subject to removal of all office objections within period of four weeks from today. On registration, issue notice to the respondents. Mr. R. V. Gore, learned Advocate waives service of notice for respondent nos.1 to 4. Learned AGP waives service of notice for respondent no.5.

d. Civil Applications stand disposed of.

CIVIL APPLICATION NO. 9766 OF 2025 (WITHDRAWAL)
CIVIL APPLICATION NO. 9771 OF 2025 (WITHDRAWAL)

. These Civil Applications are filed by the farmers, who have lost their land in compulsory acquisition that was conducted by the appellant/Acquiring Body.

2. Being dissatisfied with the meager amount that was awarded by the Competent Authority, the claimants had preferred land acquisition reference L.A.R. Nos.05 of 2011 and 07 of 2011 respectively in the Court of the learned Civil Judge, Senior Division, Udgir.

3. The learned Trial Court enhanced the amount and being dissatisfied with that, the respective appellants has presented the First Appeal.

4. Mr. R. V. Gore, learned Advocate submits that the

applicants have lost their sole source of livelihood and despite having proved their entitlement, they are not received any adequate compensation as yet. With this, Mr. Gore prays for permission to withdraw the amount.

5. Mr. Anand Chawre, learned Advocate for appellant further strongly opposes the withdrawal contending that there is an exorbitant enhancement which is contrary to the parameters set by the judgments rendered by the Hon'ble Apex Court as well as by this Court. He says that if the amount is allowed to be withdrawn, it will be a loss to the public fund and the appeal shall stand frustrated.

6. Today the judgment and award stands in favour of the claimants. The learned Trial Court has applied his judicial mind on examining the facts and scrutinizing the evidence that was put forth on record. In such circumstances, although, the First Appeal consists some arguable points, interest on the appellant/Acquiring Body can also be secured by passing the following order. Hence following order:

ORDER

- a. Civil Applications are partly allowed.
- b. The claimants are allowed to withdraw 50

percent of the deposited amount on furnishing usual undertaking and further 20 percent of the awarded amount on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial) of this Court.

c. Rest of the amount be deposited in the fixed deposit in any nationalized bank.

FIRST APPEAL ST. NO.38068 OF 2023

FIRST APPEAL ST. NO.38072 OF 2023

. Heard.

2. Admit.

3. Call Record and Proceeding. Paper book and print dispensed with.

(AJIT B. KADETHANKAR, J.)