



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

FIRST APPEAL NO. 993 OF 2025

WITH

CROSS-OBJECTION NO. 13 OF 2023

Executive Engineer, Laghu Pat Bhandhare Vibhag, Pusad

Vs.

Smt. Safiya Begam (dead) through LR. And others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C. J. Dhumne, Advocate for appellant.
Shri P. M. Pande, Advocate for respondent nos. 1A to 1E.
Shri M. A. Kadu, AGP for respondent nos. 2 and 3/State.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 27.04.2026

Heard.

2. **Admit.**

3. The record and proceeding is already received by this Court.

4. The appellant to file private paper-book within a period of 12 weeks from today.

CIVIL APPLICATION (CAF) NO. 180/2023

5. By the present application, the appellant/acquiring body seeks stay to the effect, operation and execution of the judgment and award dated 18.11.2019 passed in LAC No. 137/2005 by the Jt. Civil Judge Senior Division, Pusad.

6. On 16.07.2025, this Court passed an order in First Appeal (St) No. 13242/2021 with Cross-objection No. 13/2023 and granted eight weeks time to deposit the entire compensation amount. However, the said amount could not be deposited therefore, again vide order dated 13.03.2026, this Court permitted the appellant/acquiring body to deposit the compensation amount within a period of one week therefrom.

7. In pursuance of the said order, the appellant/acquiring body has deposited the entire amount of compensation Rs.1,56,19,764/- with this Court under pursis (st) no.2/2026. Since, the appellant/acquiring body has deposited the entire amount of compensation therefore, execution of the impugned judgment and award dated 18.11.2019 is hereby stayed.

8. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 1210/2026

9. Heard Shri C. J. Dhumne, learned counsel appearing for the appellant, Shri P. M. Pande, learned counsel appearing for respondent nos. 1A to 1E/original claimants and Shri M. A. Kadu, learned AGP appearing for respondent nos. 2 and 3/State at length.

10. By the present application, respondent nos. 1A to 1E/original claimants seek permission to withdraw

the entire amount of compensation awarded under the judgment and award dated 18.11.2019 passed in LAC No. 137/2005 by the Jt. Civil Judge Senior Division, Pusad. It has been canvassed by the learned counsel appearing for respondent nos. 1A to 1E that the land of the present respondents has been acquired and to meet financial crises, they are in need of money.

11. The learned counsel appearing for the appellant/acquiring body has strongly resisted the application on the ground that, in case the impugned judgment and award is modified/reversed, in that event it will not be possible to recover the said amount hence, prayed for rejection of the application.

12. The learned AGP appearing for respondents/ State submitted the Court for passing appropriate order.

13. It is a matter of record that the appellant/acquiring body has acquired the land of respondent nos. 1A to 1E for public project. On 18.11.2019, the Trial Court enhanced the amount of compensation @8% per sq. feet for entire area of 430556 sq. feet i.e. 4 HR. Therefore, it will be just and proper to permit respondent nos. 1A to 1E to withdraw 50% of their respective share of compensation along with accrued interest on furnishing usual undertaking and 25% of their respective share of compensation along with accrued interest on furnishing surety to the sanctification of the Registrar (Judicial) of this Court.

14. Accordingly, the application stands disposed of.

(Y. G. KHOBRADE, J.)