

MHBI080000072017



L.A.R.D. No.01/2017
Jagannath (D) Thr. L.Rs. Vs.
The State+1

ORDER BELOW EXH.28

Decree-holders being legal representatives/heirs of sole deceased decree holder namely Jagannath S/o. Kashinath Ghobade, have filed instant application for granting them permission to withdrawal an amount of Rs.18,83,928/- deposited by Judgment-debtors in the present proceeding towards satisfaction of award under execution.

2. Judgment-debtor No.2 has filed say on this application through its learned advocate Mr. V. S. Joshi and submits that, an appropriate order may be passed. Judgment-debtor No.1 failed to submit say on this application, on being the proceeding ordered to be proceeded ex-parte against it vide order passed below application (Exh.1) on 18.04.2017.

3. As per report of the Assistance Superintendent (Cash and Finance) dated 09/03/2026 filed at Exh.33, the aforesaid amount is deposited in this Court vide 'CC' No.24, dated 04/05/2019 and the same is kept in fixed deposit with State Bank of India Br. Majalgaon vide receipt No.4695711 dated 14/08/2019.

4. Record of the case shows that, this execution proceeding was stayed by the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad in terms of order passed in Civil Application No.1047/2018 in first appeal stamp No.2220/2018. Moreover, record also shows that, the said first appeal

came to be finally disposed off by the Hon'ble Bombay High Court vide recent order dated 12/02/2026 and thereby award under execution passed by this Court seems to have modified to the extent of decree holder entitled to get interest from the date of award and not from the date of possession. The said first appeal seems to have disposed of in terms of order passed by the Hon'ble Supreme Court in Civil Appeal No.2499/2022 (Arising out of SLP (C) No.4050 of 2019) on 28th March, 2022. The learned advocate for decree-holder viz. S. C. Sharma has placed on record his affidavit at Exh.32 with contention that, there is no stay order in existence on being said appeal has been finally disposed of by the Hon'ble Bombay High Court. Even otherwise, in stay order passed by the Hon'ble Bombay High Court in said Civil Application No.1047/2018 on 29/01/2018, liberty was given to the respondent/claimant for withdrawal of the only compensation amount (excluding interest amount), if deposited. Even, contesting judgment debtor No.2 has not reported a fact regarding existing of such stay order right now.

5. Heard the learned Advocate for decree-holders and the learned advocate Mr. V. S. Joshi, for J.D. No.2. I have gone through the application and record of the case. The execution proceeding is initiated for satisfaction of award passed by this Court in L.A.R. No.102/2011 (New L.A.R.No.98/2014). The copy of award placed on record at Exh.5 shows that, these decree-holders being legal representatives/heirs of sole deceased decree-holder, are entitled to get said deposited amount.

6. The contents of application cum undertaking filed on

behalf of decree-holder No.1/1 to 1/5 at Exh.34 and their affidavits Exhs.35 to 39 show that, they have given consent to withdraw entire deposited said amount alongwith bank interest to decree-holder No.6 namely Smt. Bairaja W/o. Jagannath Ghubade being their real mother. Hence, the application deserves to be allowed, subject to imposing condition. Hence, I pass the following order.

ORDER

- 1) The application (Exh.28) is allowed.
- 2) Deposited compensation amount of Rs.18,83,928/- be paid to Award/decreed-holder No.6 namely Smt. Bairaja W/o. Jagannath Ghubade for herself and on behalf of remaining decree-holders, R/o. Pathrud, Tq-Majalgaon, District-Beed, in person on due verification and executing Indemnity Bond by her of like amount binding herself to redeposit the amount under order in future, if the directed by the Court.

Date :- 13/03/2026.

(S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.

CERTIFICATE

The contents of above order is/are word to word same and found correct in this pdf.

Dictated on : 13/03/2026.
Typed on : 13/03/2026.
uploaded on : 13/03/2026.

Sd/-
(H.B.Suryawanshi)
Steno-Gr.II
C.J.S.D.Majalgaon.