

Special Darkhast No. 57/2021

Sakharam Shankar Chimane and others

VERSUS
S.L.A.O.

ORDER BELOW EXH. 26

- 1) This is an application filed by opponent No. 2 to 4 and 6 to 10 for withdrawal of the 1/3rd amount out of Rs.2,26,849/- deposited by the Judgment-debtor in the court at 'C' No.216 on 03-07-2024.
- 2) The Judgment-debtor/S.L.A.O. has filed say to this application vide Exh. 30 and thereby submitted that they have deposited amount in the Court and it be given to the Decree-holder on furnishing Undertaking and indemnity bond. The Judgment-debtor contended that the matter of L.A.R.No.53/2006 is decided by Judgment and Government has not preferred appeal before the Hon'ble High Court.
- 3) Government of Maharashtra has acquiesced the Award by letter dated 20/05/2014, Letter No.258M of Law and Judiciary Department. As per report of the Asstt. Superintendent (C & F) the respondent has deposited an amount of Rs.2,26,849/- in the Court vide 'C' No.216 on 03-07-2024.
- 4) Perused the application, say thereon and the report of Asstt. Superintendent (C&F) of this Court and the documents on record.
- 5) Heard both sides. It is seen from the record that L.A.R. No. 53/2006 filed by the Decree-holders has been decided by Judgment and Award and enhanced compensation has been granted to the acquired lands. Learned Advocate submitted that they have not received any notice regarding appeal. Moreover, learned AGP has not mentioned in his say that, they have preferred appeal before the Hon'ble High Court. There is

no stay or appeal to the said Award. The Judgement-debtor has no objection for giving the amount to the Decree-holders on furnishing indemnity bond. Therefore, it is clear that the Decree-holders are entitled to receive the amount. Accordingly, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. 1/3rd amount out of Rs.**2,26,849/-** (Rupees Two Lakhs Twenty Six Thousands Eight Hundred and Forty Nine only) be paid to the opponent No.2 to 4 and 6 to 10 on due identification, verification and on furnishing Indemnity Bond of like amount by affixing passport size photograph for the payment of income tax deduction if any and for redepositing the amount as and when directed by the court.

Sd/-

Panvel,
Date : 04-10-2024.

(K.M.Sonawane)
2nd Jt. Civil Judge, S. D. Panvel.

Special Darkhast No. 57/2021

Sakharam Shankar Chimane and others

VERSUS
S.L.A.O.

ORDER BELOW EXH. 24

- 1) This is an application filed by decree-holder No.1 and 2 for withdrawal of the 1/3rd amount out of Rs.2,26,849/- deposited by the Judgment-debtor in the court at 'C' No.216 on 03-07-2024.
- 2) The Judgment-debtor/S.L.A.O. has filed say to this application vide Exh. 31 and thereby submitted that they have deposited amount in the Court and it be given to the Decree-holder on furnishing Undertaking and indemnity bond. The Judgment-debtor contended that the matter of L.A.R.No.53/2006 is decided by Judgment and Government has not preferred appeal before the Hon'ble High Court.
- 3) Government of Maharashtra has acquiesced the Award by letter dated 20/05/2014, Letter No.258M of Law and Judiciary Department. As per report of the Asstt. Superintendent (C & F) the respondent has deposited an amount of Rs.2,26,849/- in the Court vide 'C' No.216 on 03-07-2024.
- 4) Perused the application, say thereon and the report of Asstt. Superintendent (C&F) of this Court and the documents on record.
- 5) Heard both sides. It is seen from the record that L.A.R. No. 53/2006 filed by the Decree-holders has been decided by Judgment and Award and enhanced compensation has been granted to the acquired lands. Learned Advocate submitted that they have not received any notice regarding appeal. Moreover, learned AGP has not mentioned in his say

that, they have preferred appeal before the Hon'ble High Court. There is no stay or appeal to the said Award. The Judgement-debtor has no objection for giving the amount to the Decree-holders on furnishing indemnity bond. Therefore, it is clear that the Decree-holders are entitled to receive the amount. Accordingly, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. 1/3rd amount out of Rs.**2,26,849/-** (Rupees Two Lakhs Twenty Six Thousands Eight Hundred and Forty Nine only) be paid to the decree-holder No.1 and 2 on due identification, verification and on furnishing Indemnity Bond of like amount by affixing passport size photograph for the payment of income tax deduction if any and for redepositing the amount as and when directed by the court.

Sd/-

Panvel,
Date : 04-10-2024.

(K.M.Sonawane)
2nd Jt. Civil Judge, S. D. Panvel.