

ITEM NO.12 Court 5 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 20470/2020

(Arising out of impugned final judgment and order dated 09-12-2019 in CA No. 11120/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

ATUL VYANKETESH DESHPANDE & ANR. Petitioner(s)

VERSUS

THE EXECUTIVE ENGINEER & ORS. Respondent(s)

(IA No.98029/2020-CONDONATION OF DELAY IN FILING and IA No.98032/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98035/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 16-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Ms. Prachiti Deshpande, Adv.
Dr. R. R. Deshpande, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

We decline to interfere in this Special Leave
Petition.

We find that in the present case, the award provided for compensation at the rate Rs.1400/- per R. against which the petitioners had pursued reference before the

District Court claiming enhancement upto to Rs.3498/- per R only, whereas the Court while deciding the reference awarded Rs.8,000/- per R.

In this backdrop, the High Court had declined permission to withdraw the deposited amount unconditionally. Hence, no interference is required.

We are conscious of the orders appended to the Special Leave Petition on which reliance has been placed by the petitioners; but none of the orders relied upon passed by this court have dealt with this fact situation.

Hence, we agree with the view taken by the High Court in the impugned judgment.

The Special Leave Petition is dismissed accordingly.

It will be open to the petitioners to move the High Court for early hearing of the pending appeal which be decided on its own merits and uninfluenced by the observation(s) made by the High Court in the impugned judgment or the present order.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)