

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

964 CIVIL APPLICATION NO. 5035 OF 2014

IN FAST/2509/2014 WITH CA/5002/2014 IN FAST/2547/2014
WITH CA/5003/2014 IN FAST/2547/2014 WITH CA/5004/2014 IN
FAST/2567/2014 WITH CA/5005/2014 IN FAST/2567/2014 WITH
CA/5006/2014 IN FAST/2567/2014 WITH CA/5007/2014 IN
FAST/2547/2014 WITH CA/5008/2014 IN FAST/2559/2014 WITH
CA/5009/2014 IN FAST/2559/2014 WITH CA/5010/2014 IN
FAST/2559/2014 WITH CA/5011/2014 IN FAST/2555/2014 WITH
CA/5012/2014 IN FAST/2555/2014 WITH CA/5013/2014 IN
FAST/2555/2014 WITH CA/5014/2014 IN FAST/2543/2014 WITH
CA/5015/2014 IN FAST/2543/2014 WITH CA/5016/2014 IN
FAST/2543/2014 WITH CA/5017/2014 IN FAST/2539/2014 WITH
CA/5018/2014 IN FAST/2539/2014 WITH CA/5019/2014 IN
FAST/2539/2014 WITH CA/5020/2014 IN FAST/2551/2014 WITH
CA/5021/2014 IN FAST/2551/2014 WITH CA/5022/2014 IN
FAST/2551/2014 WITH CA/5023/2014 IN FAST/2571/2014 WITH
CA/5024/2014 IN FAST/2571/2014 WITH CA/5028/2014 IN
FAST/2571/2014 WITH CA/5031/2014 IN FAST/2563/2014 WITH
CA/5032/2014 IN FAST/2563/2014 WITH CA/5033/2014 IN
FAST/2563/2014 WITH CA/5036/2014 IN FAST/2509/2014 WITH
CA/5037/2014 IN FAST/2509/2014

GODAWARI MARATHWADA IRRIGATION DEV. CORP. THR THE
EXECUTIVE ENGINEER LATUR MEDIUM
VERSUS
DATTA NARAYAN ANAGOTE AND OTHERS

Shri. M.G. Kolshe Patil, Advocate, for applicant.

Shri. T.G. Gaikwad, Advocate, for respondents - original claimants.

Shri. K.N. Lokhande, Assistant Government Pleader for respondent State.

CORAM: T.V. NALAWADE, J.

DATE : 23rd FEBRUARY 2016

ORDER:

1) Learned counsel Shri. T.G. Gaikwad submits that he has filed appearance for all the claimants. Thus all the respondents are served. In view of this circumstance, civil applications filed for grant of leave by the acquiring body are considered. Both the sides are heard. It appears that the acquiring body was not made party before the Reference Court. It is settled law that the acquiring body is a necessary party to the reference proceeding. In view of this, the applications filed for grant of leave are allowed. Leave is granted.

2) There is delay of around 1230 days caused in filing appeal by the acquiring body. In view of the contentions made in the applications and the submissions made this Court holds that sufficient cause is shown. Hence the applications for delay condonation are allowed. Delay is condoned. Notice in appeals. It is waived by learned counsel for respective respondents. Call record and proceedings. List the matter for admission purpose on 28th July 2016.

3) The applications are filed by the acquiring body for stay. Seen the judgment and award. This Court holds that subject to condition of deposit of entire amount of compensation within 12 weeks from today stay needs to be granted. If the amount is not deposited within this period it is to be presumed that there is no stay to the execution. In those terms, the stay applications are allowed and disposed of.

Sd/-
(T.V. NALAWADE, J.)

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