

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

58 CIVIL APPLICATION NO. 9699 OF 2015
IN FAST/12625/2015 WITH CA/9700/2015 IN
FAST/12625/2015 WITH CA/9701/2015 IN
FAST/12625/2015 WITH CA/9702/2015 IN
FAST/13004/2015 WITH CA/9703/2015 IN
FAST/13004/2015 WITH CA/9704/2015 IN
FAST/13004/2015

EXECUTIVE ENGINEER, MAJALGAON CANAL DIVISION
NO.7, GANGAKHED THR MILIND VASANTRAO
VERSUS
DIGAMBER GUNDERAO LONIKAR AND OTHERS

Shri. Shyam C. Arora, Advocate, for applicant.

Shri. S.M. Kulkarni, Advocate, for respondent Nos.1 & 2.

Shri. S.R. Yadav, Assistant Government Pleader, for
respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 29th FEBRUARY 2016

ORDER:

1) The applications are filed for leave to file appeal. Heard learned counsel for the acquiring body. He submits that before the reference Court the applicant was not made party. Learned counsel for the original claimants submitted that the claimants had made attempt to make

the acquiring body party-respondent to the References but the application was objected by the acquiring body and so the Reference Court had rejected the application. In any case position of law cannot change as the acquiring body is necessary party to such proceeding. Hence the applications filed for leave to file appeals are allowed. Leave is granted.

2) There is delay of 4019 days caused in filing appeals. These applications are strongly opposed by the learned counsel for the original claimants. After considering this objection, applications are allowed. Delay condoned.

3) Notice in appeals. Learned counsel Shri. S.M. Kulkarni waives notice for original claimants. Learned Assistant Government Pleader waives notice for the State. Stand over to 18th July 2016.

4) On stay applications it is submitted that the compensation amount is no yet deposited. Learned counsel for the acquiring body submitted that the matter

is already moved to the concerned for sanction of funds. If the amount is not deposited within 12 weeks from today it is to be presumed that there is no stay to the execution and there will be liberty to the original claimants to go ahead with the execution. In those terms the stay application are disposed of.

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

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