

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 10128 OF 2016
IN FAST/20277/2016 WITH CA/10126/2016 IN FAST/20274/2016
WITH CA/10127/2016 IN FAST/20274/2016 WITH CA/10129/2016
IN FAST/20277/2016

THE EXECUTIVE ENGINEER, LOWER DUDHANA PROJECT, SELU THR
G.M.I.D.C. AURANGABAD
VERSUS
PRAKASH SOPANRAO GADHAVE AND ORS

with
931 CIVIL APPLICATION NO. 10377 OF 2016
IN FAST/20139/2016 WITH CA/10378/2016 IN FAST/20139/2016

with
932 CIVIL APPLICATION NO. 10379 OF 2016
IN FAST/20117/2016 WITH CA/10373/2016 IN FAST/20130/2016
WITH CA/10374/2016 IN FAST/20130/2016 WITH CA/10375/2016
IN FAST/20125/2016 WITH CA/10376/2016 IN FAST/20125/2016
WITH CA/10380/2016 IN FAST/20117/2016

with
933 CIVIL APPLICATION NO. 10381 OF 2016
IN FAST/20154/2016 WITH CA/10382/2016 IN FAST/20154/2016

with
935 CIVIL APPLICATION NO. 10392 OF 2016
IN FAST/20143/2016 WITH CA/10394/2016 IN FAST/20143/2016

with
936 CIVIL APPLICATION NO. 10395 OF 2016
IN FAST/20149/2016 WITH CA/10396/2016 IN FAST/20149/2016

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Advocate for Applicant : Bhalerao Sudhir G.
AGP for Respondents: S.N. Morampalle
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CORAM : P.R. BORA, J.
DATE : 24-11-2016.

P.C. :

1. In all these matters, though, the respondent i.e. original claimants are duly served, none of them has entered appearance in the matters. Delay of the period ranging between 259 to 498 days has occurred in filing the present appeals by the acquiring body. On perusal of the application, it is revealed that the delay has been sufficiently explained, I am therefore inclined to allow these applications, hence the following order.

ORDER

- i) The applications are allowed.
- ii) Delay caused in filing the appeals is condoned.
- iii) Civil application stands disposed of.

2. In all these matters the execution of the awards was stayed by an interim order passed by this court on 10.08.2016 subject to deposit of the amount under each of the award along with the interest accrued thereon by the acquiring body within eight weeks from the date of said order. The learned counsel appearing for the acquiring body submits that, the acquiring body could not deposit the amount as directed by this court vide the aforesaid order within the stipulated period and, as such, interim stay so granted vide the aforesaid order stood automatically vacated. The learned counsel further submits that, the acquiring body will deposit

the amount of compensation and the interest thereupon within a week. The learned counsel has, therefore, prayed for permitting the acquiring body to deposit the said amount and has further prayed for staying the effect and operation of the impugned awards till decision of the appeal. In view of the fact that, the acquiring body will be depositing the amount of compensation within a week, subject to such deposit, the execution of the impugned awards is stayed till decision of the appeals. Civil applications stand disposed of.

(P.R. BORA)
JUDGE

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