

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 10420 OF 2016
IN FAST/21488/2012 WITH CA/10544/2012 IN FAST/21488/2012
WITH CA/1732/2016 IN FA/1784/2015

THE STATE OF MAHARASHTRA AND ANR
VERSUS
NAGNATH GOPAL KACHARE DECEASED THR HIS LRS
VISHWANATHAND OTHERS

...
Advocate for Applicants : Y.G. Gujrathi
Advocate for Respondents : S.A. Wakure

...
CORAM : P.R. BORA, J.
DATE : 24-11-2016.

P.C. :

1. Shri Y.G. Gujrathi, the learned A.G.P. appearing for the state submitted that, though, a conditional was order passed by this court on 12.09.2014, thereby, staying the execution of the award impugned in the present appeal subject to deposit of the amount under award by the state within twelve weeks, the state could not deposit the amount of compensation as directed.

2. The learned A.G.P. submitted that, since the conditional stay was granted and the appellant-state could not deposit the amount within the stipulated period, interim stay so granted stood automatically vacated. The learned A.G.P. submitted that, now the government pleader's office has received the information from the concerned office that the cheque of the amount of compensation shall be forwarded soon and in the circumstances, the learned

A.G.P. has submitted to grant further two weeks time, so as to deposit the amount of compensation and to revive the earlier order by which the interim stay was granted to the execution of impugned award. The learned counsel for the respondents has no objection for passing of such order. Hence the following order:

ORDER

- i) The time to deposit the amount of compensation is extended by two weeks from the date of this order. Subject to deposit of amount as aforesaid the execution of the award impugned in the present appeal shall stand stayed till disposal of the appeal.

3. Delay of 770 days is caused in filing the present appeal by the state, though, the learned counsel for the respondents i.e. original claimants has opposed for condoning the delay. For the reasons stated in the application which according to me are just and sufficient, the delay is condoned. Appeals be registered in accordance with law. Civil application disposed of.

4. On registration of the appeal, issue notice to the respondents. Learned A.G.P. waives for the respondents i.e. original claimants. Service complete. Place the matter for admission on 06.01.2017.