

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

**Civil Application No. 8028 of 2015
With
Civil Application No. 8029 of 2015
With
Civil Application No.8030 of 2015
In
First Appeal Stamp No.30686 of 2013**

Godawari Marathwada Irrigation
Development Corporation,
Aurangabad.

.. Applicant.

Versus

Bandu Govinda Pradhan
And Others.

.. Respondents.

Dr. (Smt) Kalpalata Bharaswadkar, Advocate, for
applicant.

Shri. S.N. Pagare, Advocate, for respondent Nos.1 and 2.

Shri. K.N. Lokhande, Assistant Government Pleader, for
respondent No.3.

CORAM: T.V. NALAWADE, J.

DATE : 16th FEBRUARY 2016

ORDER:

1) Civil Application No.8029 of 2015 is filed by the
acquiring body for condonation of delay caused in filing
appeal. Civil Application No.8028 of 2015 is filed for

granting leave to file appeal as the acquiring body was not made party in the references. Heard learned counsel for the applicant and the learned counsel for the claimants.

2) It is settled that the acquiring body is necessary party to the Reference as compensation is required to be paid by the acquiring body.

3) Learned counsel for the acquiring body has produced a copy of order made by this Court in Civil Application No.4482 of 2014 to show that in similar applications arising out of the same group leave is granted by this Court. In view of these circumstances the application filed for condonation of delay is allowed. Delay is condoned. The application filed for granting leave is allowed. Leave is granted.

4) The appeal is admitted. Notice after admission is waived by the learned counsel for the original claimant and the learned Assistant Government Pleader for the State.

5) Seen the judgment and award. This Court holds that stay needs to be granted subject to condition that entire amount of compensation is deposited within 12 weeks from today. So the application allowed. Subject to condition of deposit of entire amount of compensation within 12 weeks from today, there will be stay to the execution of the judgment and award of the Reference Court. If the amount is not deposited within the fixed period, it is to be presumed that there is no stay to the execution. In those terms Civil Application No.8030 of 2015 is allowed and disposed of.

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

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