

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NOS.3085/2016 & 3111/2016

IN

FIRST APPEAL NO.1147/2013

Executive Engineer (Vidarbha Irrigation Development Corporation)

..Vs..

Kamal Sheshrao Girale and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.G. Palshikar, Adv. for the appellant.
Ms. Vidya Umale, Adv. for respondent Nos.1 to 5.
Shri M.A. Kadu, A.G.P. for respondent Nos.6 to 8.

CORAM : Z.A.HAQ, J.
DATED : 14.9.2016.

The appeal is admitted by the order dated 16th December, 2013. The appellant had not filed any application praying for interim order.

The claimants have filed Civil Application No.3085/2016 praying that the appellant be directed to deposit the amount as per the award. According to the claimants, the respondent Nos.4 and 5 are studying in 12th standard and 10th standard respectively and the claimants are facing financial difficulties. It is submitted on behalf of the claimants that because of the pendency of the appeal, the Executing Court is not proceeding with the execution.

Today, Civil Application No.3111/2016 is submitted at the time of hearing praying that the effect and operation of the impugned award be stayed. The civil application is sworn on 3rd October, 2012. There is no

explanation why the civil application was not filed earlier. There is no explanation why the amount is not deposited since last more than four years.

The learned Advocate for the appellant has submitted that the amount will be deposited as soon as the amount is sanctioned. It is not understood why the concerned officials of the appellant have not taken any steps to get the sanction and deposit the amount. The State while compulsorily acquiring the property should be alive to the difficulties of the persons whose properties are acquired.

In the above facts, the Civil Application No.3111/2016 filed by the appellant is dismissed with costs quantified at Rs.10,000/- to be paid by the appellant to the respondent Nos.1 to 5 within two months. If the amount is not paid within two months and receipt is not filed on the record of this appeal within 2 months, the appeal shall stand dismissed without reference to Court.

As far as the directions sought by the claimants in Civil Application No.3085/2016 are concerned, I am not inclined to issue directions. The claimants are at liberty to proceed with the execution. It will be duty of the Executing Court to render all possible assistance to the claimants to execute the award.

The Civil Application No.3085/2016 is disposed in the above terms.

JUDGE

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 16.9.2016.