

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

85 CIVIL APPLICATION NO. 4791 OF 2017
IN FAST/4631/2017 WITH CA/4792/2017 IN FAST/4631/2017 WITH
CA/4793/2017 IN FAST/4631/2017

THE G.M.I.D.C. AURANGABAD THR EX. ENG. L.D.P.D. SELU
PARBHANI. NOW THE EX. ENG. AURANGABAD AND ANR.
VERSUS
NANASAHEB RAGHUNATH MHASRUP

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Advocate for Applicant : Mr. Tandale P.R.
Advocate for respondents: Mr. B.A. Bide
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CORAM : V. K. JADHAV, J.
DATED : 28th APRIL, 2017

PER COURT:-

1. Heard both sides.
2. In so far as civil application for condonation of delay is concerned, the learned counsel for the respondent-original claimant has no objection if the delay is condoned.
3. In view of the above submission and for the reasons stated in the application, the delay of 590 days caused in filing the first appeal is hereby condoned. Civil application for condonation of delay is disposed of.
4. In so far as stay application is concerned, pending, the hearing and final disposal of first appeal, the execution, implementation and operation of the impugned judgment and award under appeal hereby stayed on the condition that the applicant shall deposit entire amount under award with accrued interest thereon, in this Court, within a period of 08 (eight) weeks from today, failing which the order granting

stay shall stand vacated automatically without further reference to the Court. Civil application for stay is accordingly disposed of.

5. In so far as civil application No. 4792 of 2017 seeking leave to file appeal is concerned, the respondent original claimant has no objection if the application is allowed.

6. The learned counsel for the applicants submits that the applicant-acquiring body was not impleaded as party before the court below.

7. In view of the above submissions and for the reasons stated in the civil application, civil application seeking leave to file appeal is allowed in terms of prayer clause "A" and disposed of.

8. In first appeal, issue notice to the respondents, returnable on 03.07.2017. Learned counsel waives notice for respondent-original claimant. Call for record and proceeding.

(V. K. JADHAV, J.)

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