

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 4806 OF 2016
IN FAST/7142/2015 WITH CA/4807/2016 IN FAST/7142/2015 WITH
CA/4808/2016 IN FAST/7142/2015 WITH CA/4809/2016 IN
FAST/7139/2015 WITH CA/4810/2016 IN FAST/7139/2015 WITH
CA/4811/2016 IN FAST/7139/2015

THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION
OSMANABAD

VERSUS

BALIRAM VISHWANATH BHOITE AND ANOTHER

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Advocate for Applicant : Mr. Dhongade Suresh D.
Advocate for Respondents-claimants : Mr. M.A. Thorbole
AGP for Respondent-State: Mr. P.G. Borade

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CORAM : V. K. JADHAV, J.
DATED : 30th JUNE, 2017

PER COURT:-

1. In civil application seeking leave to file appeal, heard both sides. For the reasons stated in the civil application the same is allowed and disposed of.
2. In civil application for condonation of delay, learned counsel for the applicant acquiring body submits that the acquiring body was not party in the proceedings before the reference Court and as such delay has been occurred in filing the appeal. Learned counsel appearing for the respondents original claimants has no objection if the delay is condoned. In view of above submissions and for the reasons stated in the civil application, delay caused in filing the first appeal is hereby condoned. Civil application is disposed of.
3. 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 is 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.

4. In first appeal, issue notice to the respondents, returnable on 28.08.2017. Learned counsel waives notice for respondents-original claimants and learned A.G.P. waives notice for respondent State. Call for record and proceedings.

(V. K. JADHAV, J.)

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