

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 9083 OF 2017
IN FAST/13871/2017 WITH CA/9084/2017 IN FAST/13871/2017 WITH
CA/9085/2017 IN FAST/13871/2017

THE GMIDC SINCHAN BHAWAN AURANGABAD THR THE EX.
ENGINEER, AND ANR
VERSUS
DNYANESHWAR BHAURAO GAIKWAD AND ORS

...
Advocate for Applicants : Mr. P.R. Tandale
AGP for State: Mr. S.N. Morampalle
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CORAM : V. K. JADHAV, J.
DATED : 7th JULY, 2017

PER COURT:-

1. Heard.
2. For the reasons stated in the application, the delay of 657 days caused in filing the first appeal is hereby condoned. Civil application for condonation of delay 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 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. The learned counsel for the applicants submits that the applicant-acquiring body was not impleaded as party before the court below.

5. 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.

6. In first appeal, issue notice to the respondents, returnable on 01.09.2017. Call for record and proceeding.

7. First appeal Nos. 1554 of 2017 and 1657 of 2017 be placed alongwith this appeal on the next date.

(V. K. JADHAV, J.)

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