

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA No.9431/2016

**917 CIVIL APPLICATION NO. 7169 OF 2016
IN FAST/15745/2016
WITH
CA/7170/2016 IN FAST/15745/2016**

THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION
OSMANABAD AND OTHERS
VERSUS
BIBHISHAN BALBHIM PATIL (DIED) LRS RADHABAI AND OTHERS

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Advocate for Applicants : Mr.Rajale Gulab B.
Mr. Wakure Sanjay A., Adv., for R/1 To 5

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CORAM : P.R. BORA, J.
Dated: July 06, 2017
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PER COURT :-

1. Delay of 494 days has occurred in filing the present appeal by the acquiring body. Though learned Counsel appearing for respondents i.e. original claimants has opposed for condonation of delay, for the reasons stated in the application which, according to me, are just and sufficient, the delay caused in filing the appeal is condoned. Civil Application for condonation of delay stand disposed of. The Appeal be registered in accordance with law.

2. After registration of the appeal, issue notice to the respondents in the appeal returnable after four weeks. Shri S.A.Wakure, learned Counsel, waives service for respondent nos. 1 to 5 i.e original claimants. Service complete. Call for R & P.

agp/-

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Place the matters for admission after four weeks.

(2)

CA No.9431/2016

3. Heard learned Counsel for respective parties on the application for stay. Shri G.B.Rajale, learned Counsel appearing for the acquiring body brought to my notice that in companion matters, after having considered the submissions made on behalf of the acquiring body as well as the claimants, has granted stay to the execution of the impugned awards subject to deposit of 60 per cent of the amount under each of the awards, along with interest thereon. Copy of the order passed in C.A.No.9431/2016 in First Appeal Stamp No.14250/2016, with connected matters, is placed on record. In view of the above, the following order is passed:

ORDER

1. The execution of the award impugned in the present appeal shall stand stayed subject to deposit of 60 per cent of the amount under the aforesaid award along with the interest thereon in this Court by the acquiring body within twelve weeks from the date of this order.

Civil Application for stay stands disposed of.

(P.R. BORA, J.)

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