

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

19 CIVIL APPLICATION NO. 14818 OF 2017
IN FA/3340/2016

MOHAN NARAYAN MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Ajeet B. Kale
AGP for Respondents : Mr. S.J. Salgare
...

WITH CA/14819/2017 IN FA/3338/2016
WITH CA/14820/2017 IN FA/3339/2016
WITH CA/14821/2017 IN FA/3341/2016

CORAM : K.K. SONAWANE, J.

DATED : 11TH DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants-original claimants.
2. Issue notice to respondents. Learned AGP waives service of notice to respondents.
3. The applicants moved the present applications to get clarification in regard to stay granted by this Court under order dated 29th July, 2016. Learned counsel for the applicants submits that though this Court granted conditional stay on depositing decretal amount within 12 weeks, but respondent-State did not comply with the order. Hence, he prays for issuance of necessary order.
4. In view of aforesaid submissions, it is evident that this Court under order dated 29th July, 2016 granted conditional stay to the execution and implementation of the award subject to condition of depositing the decretal amount within stipulated

period. But there was no response received from respondent -State nor any decretal amount came to be deposited. In such circumstances the order of stay granted by this Court dated 29th July, 2016, lost its force and died out.

5. Accordingly, in view of subsequent development of failure of respondent/state to avail benefit of order of conditional stay granted by this Court, the applicants are at liberty to initiate the proceedings before the executing Court within ambit of law to recover the decretal amount as awarded by learned Reference Court.

6. The civil application stands disposed of accordingly in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.