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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 164 OF 2016
IN
CROSS OBJECTION (ST) NO. 8899 OF 2016
IN
FIRST APPEAL (ST) NO. 23257 OF 2015**

Executive Engineer, MSRDC, Mumbai ... Applicant

In the matter of :

Moreshwar Shankar Masulkar and Ors. ... Appellants

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. V.D. Patil for the applicant.

Mr. T.D. Deshmukh for the appellants.

Mr. Ameet Palkar, AGP for respondent no. 1.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.
DATED : JULY 03, 2017.**

P.C.

Heard learned counsel for the parties. We find that after the Award being passed, respondent no.2 has not deposited the amount awarded by the Reference Court as yet. In the circumstances, we direct respondent no. 2 to deposit the amount awarded within two months from today. On such deposit being made, the appellant is permitted to withdraw 50% of the amount

subject to giving an undertaking to that effect before the Reference Court. In so far as balance 50% of the amount awarded, there shall be stay to the execution of the award. The said 50% amount awarded shall be invested by the Reference Court in the Nationalized Bank initially for the period of three years and shall renew the same from time to time.

With the aforesaid directions, Civil Application stands disposed of.

(M.S. SONAK, J.)

(SHANTANU KEMKAR, J.)