

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4354 OF 2001
IN
FIRST APPEAL (STAMP) NO.12541 OF 1999
WITH
CIVIL APPLICATION NO.4355 OF 2001
IN
FIRST APPEAL (STAMP) NO.12541 OF 1999**

State of Maharashtra ...Applicant
vs.
Tulsidas Dinkar Wabale ...Respondent

**WITH
CIVIL APPLICATION NO.1030 OF 2017
IN
FIRST APPEAL (STAMP) NO.12541 OF 1999**

Maharashtra Krishna Valley
Development Corporation ...Applicant
vs.
State of Maharashtra & Ors. ...Respondents

....

Mr. Yogesh Dabke, AGP, for the Applicant/Appellant.

None for the Applicant in CAF/1030/2017.

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CORAM : S.C. GUPTE, J.

DATED : 17 APRIL 2017

P.C. :

. Civil Application No.4354 of 2001 seeks condonation of delay of 145 days in filing the First Appeal. Court notice has been duly served on the Respondent. Despite such service, there is no reply. The Respondent is absent. In the premises, for the reasons stated in the Civil

Application, the Civil Application is allowed in terms of prayer clause (a). Office shall now number the First Appeal.

2. The First Appeal has been pending admission since the year 1999. By now it should have been ripe for hearing. In the premises, the appeal is admitted and shall come up for hearing after sixteen weeks.

3. Civil Application No.1030 of 2017 is for intervention on the part of the Acquiring Body. None appears for the Applicant/Intervenor. The Civil Application is dismissed for want of prosecution.

4. Civil Application No.4355 of 2001 is for stay of the execution of the impugned award. Learned AGP, on behalf of the State, offers to deposit the entire awarded amount before the Trial Court. Subject to the Appellant State depositing the entire decretal amount before the Trial Court within a period of four weeks from today, the execution of the impugned award is stayed pending hearing and final disposal of the First Appeal. It is made clear that if the amount is not deposited, the interim stay granted by this Court shall stand vacated without further reference to this Court.

5. Printing of paper book is dispensed with. The Appellant to file a private paper book within a period of sixteen weeks from today.

(S.C. GUPTE, J.)