

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT NAGPUR**

CIVIL APPLICATION NO.2633 OF 2016
IN
FIRST APPEAL NO.487 OF 2016

V.I.D.C. Through Executive
Engineer, Bembla Project
Division No.5, Yavatmal
District Yavatmal

..Applicant

Versus

Suman Sudhakar Sawalakhe
and ors.

..Respondents

Mr P.B. Patil, A.S. Agrawal and Smita Daspute, Advocates for applicant
Mr M.A. Kadu, A.G.P. for respondents no.3 and 4

CORAM : N.W. SAMBRE, J.

DATE : 3rd May 2017

PER COURT

1. This is an application by the acquiring body seeking stay to the execution of the judgment and decree dated 20th July 2012 passed in Land Acquisition Case No.195/2005.

2. The appeal was initially time barred, however, considering that the appellant, acquiring body is a statutory corporation, this Court made equity in favour of Corporation, condoned the delay and admitted the appeal.

3. Civil Application No.2779 of 2014 for same relief i.e. grant of stay came to be allowed on 8th March 2016 on a condition that appellant shall deposit the entire decretal amount within a period of twelve weeks from the date of said order. Subsequent thereto, as the amount was not deposited, the stay that was granted was enjoyed for

a period of twelve weeks by the acquiring body and thereafter the same came to be vacated. The present application is for the same relief that too without any subsequent developments, hence without any fresh cause to the appellant-acquiring body. Admittedly, the amount is neither deposited in this Court nor tendered with the present application, so as to test the *bona fides* of the acquiring body. The stay of the money decree is sought with complying with the order of deposit of amount.

4. In my opinion, the application for grant of interim relief the aforesaid observations is liable to be rejected with costs of Rs.10,000/- to be deposited in this Court within a period of twelve weeks from today. The respondent-claimant will be at liberty to apply for withdrawal of the same.

5. As such, Civil Application stands rejected with above observations.

(N.W. SAMBRE, J.)

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