

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

CIVIL APPLICATION [CAF] NO.4541 OF 2017
IN
FIRST APPEAL NO.1297 OF 2017

(The General Manager, Central Railway, C.S.T. Mumbai
vs.
Vivek Vinayak Gondchar and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : P.N. DESHMUKH, J.
DATE : 27th NOVEMBER, 2017.

Heard Shri R.G. Agrawal, learned Counsel for the applicant-appellant, Shri S.V. Ingole, learned Counsel for respondent no.1 and Shri K.R. Lule, learned A.G.P. for respondent nos.2 & 3.

This application is filed for extension of one month's time for depositing the entire decretal amount.

The learned Counsel for the appellant has submitted that this Court had granted eight weeks' time to deposit entire amount of compensation. It was a conditional order and on failure to deposit the amount, stay granted on that day was directed to be vacated automatically. As no amount was deposited within the stipulated period, stay granted on 13/06/2017 stood vacated.

This Court vide order dated 02/11/2017, therefore, had observed that in view of vacation of stay, there is no impediments in going ahead with the execution proceedings as per law and had directed to the executing Court to dispose of the execution proceedings within one month from 02/11/2017.

In the background of order passed by this Court as aforesaid, present application deserves to be rejected. However, since the learned Counsel for respondent no.1 has not seriously objected for extension of further time of one month, the same is allowed strictly as last chance.

Needless to say that on appellant's failure to deposit the entire amount of award within one month from today, the execution proceedings, which is already initiated, shall be considered and decided by Court concerned within two weeks from that date.

Civil application is disposed of as allowed.

Appeal be listed on 18th December, 2017.

JUDGE

**sdw*