

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.1626/2018

IN

FIRST APPEAL NO.4533/2017

Chief Executive Officer,
Zilla Parishad, Osmanabad.
...Applicant..

Versus

Babu Nagu Pawar, died,
through L.Rs.& others.
...Respondents...

.....

Shri U.B. Bondar, Advocate for applicant.
Shri P.A. Bharat, Advocate for respondent nos.2 to 9.
Shri B.V. Virdhe, AGP for respondent no.10.

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CORAM: M.S. SONAK, J.

DATE: 06.02.2018

ORDER :

1] In this case, stay was granted on 6.10.2017 subject to deposit of only 50% of the compensation amount within 12 weeks. The direction was issued for deposit of only 50% amount since it was represented that the applicant has paucity of funds. Within twelve weeks, even 50% of the amount has not been deposited. Instead, further time of 12 weeks is prayed for. The period of 12 weeks

- 2 -

expired on 29.12.2017, which means that further five weeks have been already passed and till today, no deposit is made. Learned counsel for the applicant points out that there were vacations in the meanwhile. The vacations ended on 4.1.2018 and today we are on 6.2.2018. The request is for grant of 12 weeks time. This means that it is not as if the extension applied for is because no deposit could be made in vacations. Lands have been acquired by the applicant and now it is not permissible for the applicant to plead that it has paucity of funds to pay compensation or even to secure the compensation as a pre-condition for stay. Accordingly, the extension as prayed for cannot be granted.

2] On account of non-compliance with the condition, the stay earlier granted is hereby vacated.

3] The civil application seeking extension of time is rejected.

(M.S. SONAK, J.)