

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 7101 OF 2016

THE EXECUTIVE ENGINEER, M.I.D. OSMANABAD THROUGH G.M.I.D.C.
AURANGABAD.

VERSUS

BHIMRAO DATTU DUDHBHATE

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CIVIL APPLICATION NO. 7099 OF 2016

THE EXECUTIVE ENGINEER, M.I.D. OSMANABAD THROUGH G.M.I.D.C.
AURANGABAD.

VERSUS

RAJENDRA DATTU DUDHBHATE.

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Advocate for Applicant : Mr. S. G. Bhalerao.
AGP for Respondent- State : Mr. B. V. Virdhe.

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CORAM : K.K. SONAWANE, J.

DATED : 5TH JANUARY, 2018.

Order :-

Heard Mr. Bhalerao, learned counsel for applicant –
Acquiring Body. Perused the applications.

2. Learned counsel for applicant submits that respondent-original claimant filed execution petition before the Reference Court for recovery of decretal amount and the warrant of attachment came to be issued by the Reference Court against Acquiring Body. The learned counsel further added that, applicant- Acquiring Body is ready to deposit the entire decretal amount within two weeks in this Court and he prayed to grant stay to the execution and implementation of the impugned Award passed by the learned Reference Court on certain terms and conditions relating to depositing the decretal amount in this Court. Definitely, it would be sub-serve the purpose.

3. Considering the nature of subject matter and reasons mentioned in the applications, I do not find any impediment to allow the applications by imposing certain terms and conditions. Hence, applications for stay stand allowed in terms of prayer clause 'B'. The execution and operation of the impugned Judgment and Award passed by the learned Reference Court is hereby stayed, subject to condition that the applicant- Acquiring Body shall deposit the entire decretal amount alongwith interest accrued thereon as awarded by the learned Reference Court within a period of two (2) weeks from the date of this Order, failure to which, the stay granted to the impugned Judgment and Award in favour of applicant- Acquiring Body referred above shall stand vacated automatically without further reference to this Court with liberty to respondent/s-original claimant/s to avail the recourse of law for execution of the Award within ambit of law.

4. Accordingly, the applications for stay stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.