

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

CIVIL APPLICATION NO. 8072 OF 2016 IN FAST/12930/2016

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM DIVISION,
OSMANABAD AND ORS
VERSUS
SHANKAR VISHWANATH SHELKE

...
Advocate for Applicant No.1 : Mr. G. B. Rajale.
AGP for Applicants No. 2 and 3 : Mr. B.V. Virdhe
Advocate for Respondent- original claimant : Mr. E. S. Murge.

...
WITH CA/8066/2016 IN FAST/12786/2016
WITH CA/8058/2016 IN FAST/12653/2016
WITH CA/8062/2016 IN FAST/12792/2016
WITH CA/8069/2016 IN FAST/12789/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 5TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant- Acquiring Body and learned counsel for respondent/s-original claimant/s as well as learned AGP for the State of Maharashtra. Perused the applications.

2. It has been submitted that applicant- Acquiring Body has already deposited the part of decretal amount in this Court. The respondent/s-original claimant/s have also allowed to be withdrawn some amount on certain terms and conditions. In such circumstances, learned counsel for applicant- Acquiring Body prayed to grant stay to the execution and implementation of the impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Bhumi, District Osmanabad dated 08-07-2014.

3. In view of aforesaid submission, the rest of the part to the extent of 40% decretal amount is remained to be deposited and same is put in controversy being an exorbitant amount awarded by the Reference Court. In such circumstances, there is no impediment to

grant the stay as prayed on behalf of Acquiring Body. Hence, applications for stay stand allowed in terms of prayer clause 'B'. The execution and implementation to the impugned Judgment and Award passed by the Civil Judge, Senior Division, Bhum, District Osmanabad, dated 08-07-2014 is hereby stayed till final disposal of appeal on merit.

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

[K. K. SONAWANE]
JUDGE

rrd.