

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

CIVIL APPLICATION NO. 15030 OF 2016 IN FAST/16633/2016

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVN LATUR AND ANR
VERSUS
BABULAL BANSILAL TOSHNIWAL

...
Advocate for Applicant No.1 : Ms Madhubala B. Gangwal.
AGP for Applicant No.2 : Mr. A.D. Namde.

...
CORAM : K.K. SONAWANE, J.
DATED : 10TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant- Acquiring Body and as well as learned AGP for the State of Maharashtra. Despite service of notice, none appears for respondent (original claimant). Perused the application.

2. Learned counsel for applicant- Acquiring Body submits that the stay may be granted to the execution and implementation of the Award passed by the learned Reference Court. Considering the nature of subject matter and reasons mentioned in the application, I do not find any impediment to allow the application 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 Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No. 8 of 2004, dated 18-09-2012, 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 twelve (12) weeks from the date of this Order in this Court, 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.

3. Accordingly, the application for stay stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.