

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3023 OF 2017
IN
FIRST APPEAL NO.39 OF 2009

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Malikarjun Kisanrao Kothule and Ors. Respondents

ALONG WITH

CIVIL APPLICATION NO.3024 OF 2017
IN
FIRST APPEAL NO.40 OF 2009

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Rambhau Kisanrao Kothule and Ors. Respondents

ALONG WITH

CIVIL APPLICATION NO.3025 OF 2017
IN
FIRST APPEAL NO.41 OF 2009

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Prakash Govindrao Banchode and Ors. Respondents

ALONG WITH

CIVIL APPLICATION NO.3026 OF 2017
IN
FIRST APPEAL NO.42 OF 2009

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Shivaji Mahadu Dahake and Ors. Respondents

ALONG WITH

CIVIL APPLICATION NO.3027 OF 2017
IN
FIRST APPEAL NO.43 OF 2009

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Shashikant Kisanrao Kothule and Ors. Respondents

ALONG WITH

**CIVIL APPLICATION NO.3028 OF 2017
IN
FIRST APPEAL NO.44 OF 2009**

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Dattu Mahadu Dahake and Ors. Respondents

ALONG WITH

**CIVIL APPLICATION NO.3029 OF 2017
IN
FIRST APPEAL NO.46 OF 2009**

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Pandharinath Govindrao Banchode and Ors. Respondents

ALONG WITH

**CIVIL APPLICATION NO.3079 OF 2017
IN
FIRST APPEAL NO.47 OF 2009**

The Krushi Utpanna Bazar Samiti, Nashik Applicant
V/s.
Hirabai Bhaskar Sanap and Ors. Respondents

Mr. Pramod N. Joshi for the Applicant.

Mr. M.M. Sathaye for Respondent No.1.

Mr. Tanay Goswami, A.G.P., for Respondent Nos.2 and 3.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 5TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Joshi, learned counsel for the Applicant; Mr. Sathaye, learned counsel for Respondent No.1, and Mr. Goswami, A.G.P. for Respondent Nos.2 and 3 / State.
2. These Civil Applications are taken out for stay to the execution of the impugned 'Judgment and Decree'. It is submitted that, the Applicant is continuing to deposit the amount of compensation, as awarded by the Trial Court. However, it is found, as per the calculations made by the Respondents-Claimants, the entire decretal amount is not deposited by the Applicant.
3. There appears the dispute between the parties as to the exact amount due from the Applicant. In view thereof, it would be in the fitness of the things that the execution of the impugned 'Judgment and Decree' is stayed till the Executing Court decides the exact amount, which is found to be due from the Applicant.
4. Both the Applicant and the Respondents to submit their statement of the amount due with calculations before the Executing Court within a period of two weeks from today.
5. The Executing Court to decide the exact due amount within a period of two weeks from the date of filing of such statement. Applicant to deposit the balance decretal amount in the Executing Court

accordingly within a period of two weeks from the date of passing of the order by the Executing Court.

6. If the amount is not deposited within two weeks after the Executing Court decides the application of the Respondents, the order of stay will automatically stand vacated.

7. All these Civil Applications stand disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]