

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO.173/2018

IN

FA NO.87/2018

Executive Engineer, Minor Irrigation Division, Pusad, Tahsil Pusad, District Yavatmal

..VS..

Govinda Ratnu Jadhav and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri N.M. Gaidhane, Counsel for the applicant/appellant.

Shri Girdekar, Counsel for respondent No.1.

Shri I.J. Damle, AGP for respondent Nos.2 and 3.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2018.

1. This is an application for grant of Stay.
2. Heard learned counsel Shri N.M. Gaidhane for the applicant/appellant, learned counsel Shri Girdekar for respondent No.1/original claimant, and learned Assistant Government Pleader Shri I.J. Damle for respondent Nos.2 and 3/State.
3. By the present appeal, the applicant/appellant challenged judgment and decree dated 9.3.2016 passed by learned Civil Judge Senior Division, Darwha in LAC No.2187/2004. The appeal was admitted on 3.10.2017. On the said day, the application filed on behalf of the applicant/appellant bearing Civil Application No.3937/2017 for grant of Stay was moved and the Stay was granted and the said application was disposed of by this Court on the condition that the applicant/appellant to deposit the entire

decretal amount within a period of 12 weeks from the said date. However, within the said period the amount was not deposited.

4. Consequently, the present application for grant of Stay along with Pursis vide St.No.7318/2018 is moved by the applicant/appellant pointing that the applicant/appellant had already deposited entire decretal amount before the Reference Court on 26.2.2018.

5. In view of the above, the present application is allowed and disposed of. There shall be Stay to the effect and execution of judgment and decree dated 9.3.2016 passed by learned Civil Judge Senior Division, Darwha in LAC No.2187/2004.

6. At this state, learned counsel Shri N.M. Gaidhane for the applicant/appellant submits that looking to the quantum of compensation granted especially for the trees and the land, the appeal can be placed before ensuing Lok Adalat for amicable settlement. Learned counsel Shri Girdekar for respondent No.1 has no objection.

7. In that view of the matter, Registry is directed to place the present appeal before ensuing Lok Adalat. Since the parties are present before this Court, no separate Notice for appearance before the Lok Adalat should be issued.

JUDGE

!! BRW !!

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