

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

CIVIL APPLICATION NO. 13301 OF 2018

IN

FIRST APPEAL NO. 4176 OF 2008

WITH CA/13302/2018 IN FA/4176/2008

Vijaykumar Vitthalrao Halwai.

Applicant.

Versus

M.I.D.C. Latur and others.

Respondents.

Mr. A.N. Sabnis, Advocate for the applicant.

Mr. S.S. Dande, Advocate for respondent No.1.

Mr. P.N. Kutti, A.G.P. for respondent No.2.

Mr. V.D. Gunale, Advocate for respondent Nos.3(A), 4(A) () and 4 (A) (II).

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 30 January 2019.

ORDER :-

. The application is filed by the owner / original claimant for giving direction to the Acquiring Body to deposit the remaining 50% amount of compensation.

2. It appears that for granting stay, this Court had directed the Acquiring Body to deposit 50% amount of

compensation and accordingly the amount came to be deposited. This order was not challenged by the owner. When the Court grants stay subject to some condition, it needs to be presumed that the Court had gone through the relevant record to *prima facie* ascertain the entitlement of owner and only after that the Court must have given such direction. In view of this circumstance, this Court holds that this point cannot be reconsidered again and so the Civil Application is disposed of, as rejected.

3. Civil Application No. 13302 of 2018 is to be heard alongwith the Appeal.

4. List the First Appeal for final hearing on 11 February 2019.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/