

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

WRIT PETITION NO. 9566 OF 2018

HAVAGIAPPA RAMAPPA KALYANI THROUGH LRS SUBHADRA BAI
HAVAGIAPPA KALYANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. V. Gundre, Advocate for Petitioners.
Mrs. M. A. Deshpande, AGP for respondents/State.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ**

DATED : 16th JULY, 2019.

PER COURT:-

1. Mr. Gundre, the learned Counsel submits that the Reference Court has allowed the reference filed by the petitioner on 13.08.2009. Execution is also filed, but the amount is not paid by the respondents. The learned Counsel submits that on the ground that proposal is given for filing an appeal, the respondents are not depositing the amount before the Executing Court.
2. In fact, the petitioner is required to take steps in execution, such as, application for issuance of warrant of attachment and sale of assets of the respondents.
3. The Executing Court has to execute the award passed by the Reference Court. Of course, if no order of stay is passed by the Appellate Court. Merely on the ground that State Government or the acquiring body is intending to file appeal, the Executing Court cannot stall the execution proceedings.

4. In case, the award passed by the Reference Court is not stayed, the Executing Court shall endeavor to execute the award passed by the Reference Court expeditiously. The petitioner may take such steps for execution as may be permissible. The Executing Court may endeavor to decide the same expeditiously and preferably within a period of nine (09) months from today.

5. Writ petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.