

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

940 CIVIL APPLICATION NO.10526 OF 2010
IN FAST/4507/2019

THE SPECIAL LAND ACQUISITION OFFICER, MINOR IRRIGATION
JALGAON AND ANR
VERSUS
SHABBIR KARIM MUSALAMAN THR LRS KADIRBI AND ORS

...
Advocate for Applicants : Mrs. Chaitali R. Kutti Choudhary (Absent)
Advocate for respondent-claimant : Mr. Madhav M. Bhokarikar
AGP for Respondent State : Mr. P. M. Kulkarni
...

CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for applicant-original claimants. This Court under order dated 06-09-2019 granted stay to the impugned judgment and award passed by the learned Joint Civil Judge Senior Division, Jalgaon in LAR No. 1043 of 2010 and a condition was imposed that applicant-Acquiring body shall deposit entire decreetal amount in this court on or before 22-01-2019. The record shows that there was no compliance of conditional order passed by this Court for grant of interim relief of stay nor applicant-Acquiring Body take precaution to deposit the decreetal amount in this Court.

2. Mr. Bhokarikar, learned counsel submits that due to prohibitory order of stay passed by this Court, learned Executing Court is reluctant to proceed further for execution of decree to recover the compensation amount. He requested that as stay is not in existence for non compliance of conditional order passed by this Court, a specific direction be issued to Executing Court to proceed further for execution

of award to enable respondent-s claimants for recovery of compensation amount to enjoy fruits of decree. I find force in the contentions propounded on behalf of respondents-original claimants.

3. Admittedly, there was no compliance of conditional order passed by this Court. Therefore, no interim relief of stay is in existence to preclude the claimants for execution of decree. There is no impediment for the Executing Court to proceed further for recovery of compensation amount in execution petition filed on behalf of respondents-original claimants. Hence, Executing Court is at liberty to proceed further for execution of the decree to facilitate the respondents-original claimants to enjoy the fruits of decree at the earliest. Registrar(Judicial) to communicate this order to the concerned Executing Court for take further steps into the matter.

4. The civil application stands disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK