

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.4077/2020 IN
FIRST APPEAL NO.2913/2019

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
LATUR AND OTHERS
VERSUS
DINKAR LIMBRAJ PATIL

WITH

CIVIL APPLICATION NO.9982/2019 IN
FIRST APPEAL NO.2913/2019

THE EX. ENGINEER, LATUR MINOR IRRIGATION DIVISION,
LATUR AND OTHERS VERSUS
DINKAR LIMBRAJ PATIL

WITH

CIVIL APPLICATION NO.4078/2020 IN
FIRST APPEAL NO.2914/2019

THE EX. ENGINEER, LATUR MINOR IRRIGATION (L.M.I),
DIVISION LATUR AND OTHERS VERSUS
VINOD DINKAR PATIL

WITH

CIVIL APPLICATION NO.9984/2019 IN
FA/2914/2019

THE EX. ENGINEER, LATUR MINOR IRRIGATION (L.M.I),
DIVISION LATUR AND OTHERS VERSUS
VINOD DINKAR PATIL

...

Shri S.G. Karlekar, Advocate for applicants.

Shri P.M. Kulkarni, AGP for the State.

Shri P.P. More, Advocate for respondents - claimants.

CORAM: V.L. ACHLIYA, J.

DATE: 30.06.2020

PER COURT :

1] Heard learned counsel appearing for the applicants, respondents – claimants and learned AGP for the State.

2] Learned counsel for the applicants – appellants submits that the order dated 23.8.2019 passed in the matter granting interim stay subject to deposit of the amount could not be complied with within the stipulated time due to financial crisis and the difficulty the acquiring body was facing to secure the amount and to deposit the same. It is submitted that due to the lockdown in operation, the applications could not be moved within time to seek extension of time. Now the amount is received and the acquiring body is ready to deposit the amount.

3] Shri P.P. More, learned counsel for the respondents – claimants submits that the cheque drawn for deposit of the amount is not in accordance with the order passed to deposit the amount in terms of the awards passed by the Reference Court.

4] Considering the submissions advanced and the objection raised by the learned counsel for the respondents – claimants, I am of the view that the time to deposit the amount deserves to be extended and the applicants be permitted to deposit the amount by keeping the issue in respect of calculations and exact amount to be deposited open for consideration. Accordingly, following order is passed.

ORDER

A] The applications seeking extension of time are allowed in terms of prayer clause (A) in respective applications.

B] Time is extended till 15.7.2020 to deposit the amount by keeping the issue in respect of correctness of the amount open for challenge to be raised by the respondents – claimants.

C] Interim relief operating in the matter in terms of order dated 23.8.2019 to remain in operation till further orders subject to deposit of amount within two weeks.

D] Filing of affidavit in support of the applications is dispensed with.

E] Civil applications seeking extension of time and continuation of stay are disposed of in above terms.

(V.L. ACHLIYA, J.)