

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 4079/2020 IN
FIRST APPEAL (ST) NO.35585/2019

WITH

904.1 CIVIL APPLICATION NO. 13488/2019 IN
FIRST APPEAL (ST) NO.35585/2019

WITH

90.4.2 CIVIL APPLICATION NO. 13489/2019 IN
FIRST APPEAL (ST) NO.35585/2019

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER
VERSUS
BHIKABAI SITARAM KHODKE AND OTHERS

905 CIVIL APPLICATION NO. 4080/2020 IN FAST/35581/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
PANDURANG FAKIRA TELI AND OTHERS

905.1 CIVIL APPLICATION NO. 13486/2019 IN FAST/35599/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU NARAYAN KHODKE (DIED)
THROUGH LRS KAUSHALYABAI AND OTHERS

905.2 CIVIL APPLICATION NO. 13487/2019 IN FAST/35599/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU NARAYAN KHODKE (DIED)
THROUGH LRS KAUSHALYABAI AND OTHERS

905.3 CA/13490/2019 In FAST/35590/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU BHAVDU BARI (DIED) THROUGH LRS DHRUPABAI AND OTHERS

905.4 CIVIL APPLICATION NO. 13491/2019 IN FAST/35590/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU BHAVDU BARI (DIED) THROUGH LRS DHRUPABAI AND OTHERS

905.5 CIVIL APPLICATION NO. 13492/2019 IN FAST/35595/2019

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
SITARAM NARAYAN KHODKE AND OTHERS

905.6 CIVIL APPLICATION NO. 13493/2019 IN FAST/35595/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
SITARAM NARAYAN KHODKE AND OTHERS

905.7 CIVIL APPLICATION NO. 13494/2019 IN FAST/35581/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
PANDURANG FAKIRA TELI AND OTHERS

905.8 CIVIL APPLICATION NO. 13495/2019 IN FAST/35581/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
PANDURANG FAKIRA TELI AND OTHERS

905.9 CIVIL APPLICATION NO. 4081/2020 IN FAST/35599/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU NARAYAN KHODKE (DIED)
THROUGH LRS KAUSHALYABAI AND OTHERS

905.10 CIVIL APPLICATION NO. 4082/2020 IN FAST/35590/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
DAGDU BHAVDU BARI (DIED) THROUGH LRS DHRUPABAI AND OTHERS

905.11 CIVIL APPLICATION NO. 4083/2020 IN FAST/35595/2019
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
AND ANOTHER VERSUS
SITARAM NARAYAN KHODKE AND OTHERS.

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Smt. Vaishali D. Jadhav, Advocate for applicants.

Shri S.Y. Mahajan and Miss.D.S. Jape, AGPs for the State.

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CORAM: V.L. ACHLIYA, J.
DATE: 30.06.2020

PER COURT :

- 1] Heard learned counsel for the applicants – appellants.
- 2] The applicants – appellants have moved these applications seeking extension of time to deposit the amount for the

reasons set out in detail in the respective applications.

3] In brief, it is the contention of learned counsel for the applicants that by order dated 19.11.2019 passed in the respective appeals, this Court has granted stay to the execution and implementation of awards under challenge with condition that the applicants shall deposit 80% of the amount together with interest within twelve weeks from the date of order. Since after the order passed in the matter, the applicants – acquiring body was pursuing the matter before the State Government for release of the funds. Since the amount was not received, extension of time was sought to deposit the amount. Accordingly, time was extended by further eight weeks *vide* order dated 14.2.2020. The time to deposit the amount in terms of order dated 14.2.2020 was due to expire on 15.4.2020. Since the lockdown was declared all over the country in the month of March, 2020 and remained in operation till 31.5.2020, the applicants could not deposit the amount nor approach the Court for extension of time to deposit the amount. However, *vide* order dated 15.6.2020 passed by this Court at principal seat at Mumbai, the interim protection operating in the matter has been extended till 15.7.2020. Due to lockdown, the State Government is under financial crisis and could not make available the funds to deposit the amount in terms of order dated 19.11.2019. Now the

Department has received the partial amount. The applicants are ready to deposit 25% of the amount to show their *bona-fides* to comply with the order and grant further 16 weeks time to deposit the balance amount in view of the extraordinary situation cropped up due to pandemic on account of Covid-19 and lockdown in operation.

4] Considering the submissions advanced in the light of overall facts of the case and extraordinary situation cropped up due to financial crisis the Government is facing on account of lockdown declared due to pandemic of Covid-19, I am of the view that the request made seeking extension of time to deposit the amount in terms of order dated 19.11.2019 deserves due consideration. Hence, the following order.

ORDER

A] The applicants are permitted to deposit the amount to the extent of 25% under the awards passed in each case within one week from today.

B] The applicants are granted six months time to deposit the balance amount.

C] Interim order operating as per earlier order to stay the execution of awards shall remain in operation till further orders subject to deposit of 25% of the amount

within one week from today and deposit of balance amount within six months from the date of this order.

D] In case the applicants fail to deposit balance amount within six months, the interim order granting stay to execution of awards shall stand vacated.

E] In view of operation of lockdown and disruption of normal functioning of the Court, filing of affidavit in support of the applications is dispensed with.

F] Civil applications seeking extension of time are disposed of in above terms.

(V.L. ACHLIYA, J.)