

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

**CIVIL APPLICATION NO. 4370 OF 2020
IN
FIRST APPEAL ST NO. 36232 OF 2019**

Tapi Irrigation Development Corporation,
Jalgaon, through Executive Engineer,
M.I.W. Division, Jalgaon.

.... Applicant

Versus

Prakash Sitaram Patil (Died)
through LRS Pravin & Ors.

....Respondents

...
Mrs. Vaishali Jadhav, Advocate for the applicant
...

CORAM : B. U. DEBADWAR, J.

DATE : 9th July, 2020

ORDER :

. Heard Mrs. Vaishali Patil-Jadhav, learned counsel for the applicant-acquiring body.

2. Mrs Vaishali Jadhav, learned counsel for the applicant submits that, applicant-acquiring body has filed First Appeal bearing St. No. 36232 of 2019 against the Judgment & Award dtd. 14.11.2018 passed by learned 3rd Jt. Civil Judge Senior Division, Jalgaon in L.A.R. No. 914 of 2012. Upon preferring civil application no. 13892 of 2019 for stay to the aforesaid Judgment

& Award, this Court vide order dated 05.12.2019 granted stay to the operation and execution of the impugned Judgment & Award subject to the applicant/acquiring body depositing 80% of the amount of compensation together with interest in this Court within 12 weeks from the date of such order. The applicant-acquiring body, by filing Civil Application No. 1889 of 2020 in First Appeal St. No. 36232 of 2019 had sought further extension of eight weeks' time to deposit the aforesaid amount and same was allowed by this Court vide order dated 14th February, 2020. As per this order, the compensation amount was to be deposited on or before 22.04.2020, but nationwide lock-down was declared in the meanwhile due to COVID-19 Pandemic, and as such, aforesaid interim stay came to be extended from time to time.

3. After pursuing hard, applicant- acquiring body could arrange Rs. 99,82,642/-. Thus, Mrs. Vaishali Patil-Jadhav, learned counsel for the applicant seeks permission to deposit the cheque of the said amount in the office.

4. Permission granted. Applicant-acquiring body shall submit the cheque of the aforesaid amount in the office within a period of one week. Office to accept the cheque of the aforesaid amount of Rs.99,82,642/-.

5. Mrs. Vaishali Patil-Jadhav further submits that, notice on delay application was served on claimants but none appeared on behalf of the claimants and requests for extension of 16 weeks' time to deposit the balance amount.

6. In view of the difficulties mentioned in the application, 03 (three) months time is granted to deposit the balance amount.

7. The interim stay to the execution of Judgment and Award dtd. 14.11.2018 passed by learned 3rd Jt. Civil Judge Senior Division, Jalgaon in L.A.R. No. 914 of 2012, granted by this Court earlier, shall remain in force till aforesaid time of 03 (three) months completes. In case applicant fails to deposit the balance amount within 3 (three) months from today, interim stay to the execution of Judgment and Award shall stand vacated automatically without further reference to the court.

8. Civil Application is accordingly stands disposed of.

[B.U. DEBADWAR]
JUDGE