

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

926 CIVIL APPLICATION NO.8882 OF 2018
IN FAST/13008/2018

THE EXECUTIVE ENGINEER THR GAJANAN SIDAPPA HOLKAR
VERSUS
DATTATRAYA SHIVAPPA KABADE AND ANR

...
Advocate for Applicant : Mr. Suresh N. Rodge and
Smt. S S Renge (doke)
AGP for Respondent No. 2 : Mr. S.P. Deshmukh
...

CORAM : K.K. SONAWANE, J.

DATED : 15th JANUARY, 2020.

ORDER :-

1. Mr. Rodge, learned counsel for applicant – Acquiring Body submits that now Acquiring Body has appointed another counsel on their Panel in present matter, therefore, his appearance be discharged.
2. In view of aforesaid submission, appearance of Mr. Rodge, on behalf of applicant-appellant stands discharged.
3. Smt. Doke, learned counsel submits that she has an instructions to appear on behalf of applicant- Acquiring Body and undertakes to file *Vakalatnama* in the Registry during the course of day. Learned counsel for applicant-appellant - Acquiring Body seeks accommodation to take instructions about the progress for depositing amount in the matter.
4. This Court under order dated 11-07-2019 granted stay in terms of prayer clause "B" subject to deposit of 50% of compensation amount by the applicant-Acquiring Body in this Court on or before 03-01-2020. This Court has specifically clarified that dead line will not be extended on any count and if the amount is not deposited on or before that, it shall be treated that there is no stay.

5. Admittedly, the applicant-Acquiring Body did not take precaution to deposit the amount as directed by this Court under order dated 11-07-2019, within stipulated period in this Court, nor any progress is shown about the same.

6. In such circumstances and in view of lackadaisical attitude on the part of applicant-Acquiring Body, there is no propriety to keep alive the present application seeking stay and continuing the said relief further. Therefore, the civil application filed by applicant for stay stands dismissed. No order as to costs. Registrar (Judicial) to inform the learned Reference Court/Executing Court to proceed further for execution of Award, in the Execution Proceeding, if any, filed before it at the instance of original claimant/s.

7. The Civil Application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

MTK