

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

903 CIVIL APPLICATION NO.7419 OF 2020
IN FIRST APPEAL [STAMP] NO.14818 OF 2020

THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION NO.1, AURANGABAD
VERSUS
DAULAT PARBAT PATIL & OTHERS

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Mr.S.G.Bhalerao, Advocate for the applicant-
appellant.

Mr.R.P.Adgaonkar, Advocate h/f. Mr.V.B.Patil,
Advocate for the respondent no.1.

Mr.P.M.Kulkarni, AGP for the respondent-
State.

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**CORAM : V.L.ACHLIYA,J.
DATE : 09.12.2020**

P.C.

1] The applicant – appellant has moved
this application seeking stay to the
execution of the Award.

2] Heard learned counsel for the
applicant – appellant and learned Advocate
representing the respondent no.1 – claimant
as well as learned AGP for the respondent-
State.

3] In brief, it is the contention of
the learned counsel for the applicant –

appellant that the compensation assessed by the SLAO @ Rs.1050/- per Are which has been enhanced to Rs.4125/- per Are. It is submitted that the amount of Rs.1,44,20,810/- is paid towards fruit bearing trees. So also the interest has been awarded from the date of Notification. It is submitted that the decision of the Reference Court is not sustainable in the light of decision of the Full Bench in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari*** reported in ***2016 [3] Mh.L.J. 457.***

4] On the other hand, learned counsel for the respondent-claimant opposed the application with contention that the appeal filed is devoid of merits.

5] Mr.Bhalerao, learned counsel for the applicant – appellant makes a statement that the amount in terms of award shall be deposited within twelve [12] weeks.

6] The statement made by the applicant – appellant through Advocate is accepted. The application is allowed subject to deposit of amount within twelve [12] weeks.

7] Failure to deposit the amount within twelve [12] weeks, the stay granted stands vacated unless time is extended before due date for deposit of amount.

8] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC