

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CIVIL APPLICATION NO. 6715 OF 2020
IN FAST/26349/2019
WITH CA/6718/2020 IN FAST/26354/2019
WITH CA/6719/2020 IN FAST/26439/2019

LAXMAN TOTARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondent-State : Mr. P. M. Kulkarni
Advocate for Respondent No.2 : Mr. S. D. Dhongade

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CORAM : V. K. JADHAV, J.
DATED : 23TH OCTOBER, 2020

PER COURT :-

1. Learned counsel Mr. Kale has pointed out that out of the same award, the claimants have withdrawn the amount before the executing court i.e. Civil Judge, Senior Division, Jalgaon. Learned counsel Mr. Kale submits though the acquiring body has deposited the amount to the extent of 60% of the compensation amount as enhanced by the reference court before the executing court, the said amount has not been paid to the present applicants/claimants due to the reason that this Court has stayed the award passed by the reference court.

vre/-

2. By order dated 27.09.2019, this Court (Coram : Smt. V. V. Kankanwadi, J.) has granted stay in terms of prayer clause “B” subject to deposit of the entire decretal amount in this Court on or before 03.02.2020. It is also stated in the said order that if the amount is not so deposited on or before the said date, it shall be treated that there is no stay and in any case, the time limit to deposit the amount will not be extended. It appears that in terms of the aforesaid order dated 27.09.2019, the acquiring body has not deposited the amount before this Court. However, the acquiring body has deposited the amount to the extent of 60% before the executing court. In view of the order dated 27.09.2019 as referred above, since there is non-compliance of the directions given by this Court, there is no stay existing as on today. In view of the same, the applicants/claimants are permitted to withdraw the said 60% of the amount deposited before the executing court on furnishing undertaking to the satisfaction of the executing court.

3. The Civil Applications are accordingly disposed off.

(V. K. JADHAV, J.)

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