

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

918 CIVIL APPLICATION NO. 14057 OF 2018
IN FAST/26170/2018
WITH CA/14058/2018 IN FAST/26170/2018

EX. ENGINEER, OSMANABAD IRRIGATION DIVISION, OSMANABAD
AND ORS
VERSUS
SOPAN MARUTI NANDE

...
Advocate for Applicants : Mr. Shirish G. Sangle

...
CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Heard Mr. Sangle, learned counsel for the applicant-Acquiring Body. The notice issued to sole respondent returned un-served with remark that he is no more. The time was granted to the applicant to take steps, but upto this date no steps were taken against deceased respondent. The applicant to take steps to bring the legal heirs of deceased respondent.
2. List civil application for condonation of delay on 17-03-2020.
3. Moreover, this Court under order dated 19-06-2019 in civil application No. 14058 of 2018 granted interim relief of stay to the execution and implementation of Award in terms of prayer clause "B" subject to deposit of decretal amount on or before 11-09-2019. But, it appears that there was no response received from concerned department. There were no efforts or endeavour for depositing the decretal amount in this Court. The non compliance of interim order of this Court would tantamount to disrespect and disregard of the order passed by this Court. Therefore, there is no propriety to keep the present application for interim relief of stay alive on the board. Hence, application for stay is hereby rejected with liberty to the L.Rs of deceased claimant to execute the award as per the provisions of law.

4. It is also painful to observe that this Court at the behest of applicant-Acquiring Body passed the conditional order of interim relief of stay dated 19-06-2019 and stalled the execution of Award. But, as observed above there was no response received from concerned Department. It is also worth to mention that because of prohibitory order of stay granted by this Court, the original claimants were precluded to get execute the award since the Month of June 2019 upto this date without any reasonable cause. This practice is disapproval one and required to be highly deprecated.

5. In view of aforesaid, the civil application for stay bearing No. 14058 of 2018 stands rejected.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK