

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

963 CIVIL APPLICATION NO. 4494 OF 2019
IN
FIRST APPEAL NO. 3231 OF 2019

THE G.M.I.D.C., THR THE EX. ENGINEER, BEED IRRIGATION DIVISION,
BEED AND ORS
VERSUS
JALINDAR KARBHARI NEHARKAR AND ORS

...
Advocate for Applicants : Mr. Anil M. Gaikwad
Advocate for Respondents – original claimants : Mr. A.V. Thombre

...
WITH CA/4501/2019 IN FA/3232/2019
WITH CA/4503/2019 IN FA/3233/2019
WITH CA/4507/2019 IN FA/3234/2019
WITH CA/4511/2019 IN FA/3235/2019

CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel fro the applicant-Acquiring Body and learned counsel for respondents-original claimants.
2. Learned counsel for applicants submit that Acquiring Body has already deposited 50% of the decreetal amount in these matters. Learned counsel for claimants cast allegation that applicant-Acquiring Body was directed to deposit the entire decreetal amount and on that condition the stay was granted. But, the applicant-Acquiring Body did not deposit the entire decreetal amount. Therefore, order of stay granted by this Court lost its force. He requested to allow the claimants to execute the award.
3. In view of aforesaid submissions, I find force in the contentions propounded on behalf of respondents-original claimants. There is no compliance of order dated 20-09-2019, therefore, stay granted by this Court cannot be enforced to preclude the claimants from recovery of

amount. Hence, the order of stay be treated as revoked and recalled. The applicants-original claimants are at liberty to execute the award as per law.

4. The Civil Applications stand disposed of accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK