

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

CIVIL APPLICATION NO. 85 OF 2018 IN FA/2158/2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
CHAYABAI NIVRUTTI JADHAV AND ANR

...
AGP for Appellants : Mr. P. M. Kulkarni
Advocate for Respondents-claimants : Mr. R. V. Naiknaware

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

DATED : 04th MARCH, 2020.

ORDER :-

This Court, under Order dated 2nd July, 2019, granted ad-interim relief of stay to the execution, implementation and operation of the impugned Judgment and Award passed by learned Reference Court subject to condition that the appellant-Acquiring Body shall deposit entire decretal amount with interest accrued thereon in this Court on or before 6th December, 2019. It was also stipulated that in case the appellant-Acquiring Body failed to deposit the amount, there would not be any further stay and time to deposit the amount will not be extended. Learned counsel for the respondents-claimants contended that the appellants did not comply with the order for depositing the amount.

2. In view of aforesaid circumstance of not depositing amount and as there is no prohibitory order in existence to preclude the respondents-claimants for execution of the impugned Award before the learned Executing/Reference Court, there is no propriety to keep the present application alive on board. Hence, the Civil Application stands dismissed. The respondents-claimants are at liberty to execute the Award as per provision of law before the Executing Court.

3. Learned Registrar (Judicial) to communicate the Reference Court that there is no stay in existence and proceed further for execution of the Award in the proceeding, if any, filed on behalf of claimants.

Sd./-

**[K. K. SONAWANE]
JUDGE**