

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.33 of 2020
in
Civil Application [CAF] No.1724 of 2019
in
First Appeal Stamp No.21400 of 2018

Deputy Chief Executive Engineer (Construction), Central Railways, Ajni, Nagpur
vs.
Smt. Javeribai w/o Maganlal Shah (dead), through L.Rs. & others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri Nitin Lambat, Advocate for the Applicant/Appellant.

CORAM : Z.A. HAQ & S.M. MODAK, JJ.
DATE : 7th JANUARY, 2020.

Heard.

02] By order dated 16/04/2019, this Court stayed the execution of the impugned award on the condition that the appellant shall deposit the amount of compensation within twelve weeks from the date of the order. This civil application is filed on 17/10/2019, that is much after the period of 12 weeks seeking permission to deposit the amount as per the impugned award. There is no explanation why the appellant has not sought extension of time before expiry of the time fixed by this Court by order dated 16/04/2019.

03] Considering the facts of the case, the appellant is permitted to deposit the cheque for the amount of ₹73,56,286/-. The appellant shall deposit the cheque within a week from today.

04] On query, the learned Advocate for the appellant submitted that the interest is calculated till 30th November, 2019 and assured that the balance amount of interest as per the impugned award will be deposited till 16th of March, 2020.

05] For the lapse on the part of the appellant in not complying with the directions given by the order dated 16/04/2019, and not moving the application for extension of time before expiry of the time fixed by this Court, the appellant shall deposit the amount of ₹5,000/- (Rupees Five Thousand Only) with the High Court Legal Services Sub-Committee, Nagpur and produce receipt of it on record of the appeal till 16th of March, 2020. If the balance amount of interest is not deposited till 16th of March, 2020, interim order granted by this Court shall cease to operate from 17th of March, 2020 and the claimant will be at liberty to proceed with the execution.

JUDGE

JUDGE