

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 CIVIL APPLICATION NO.900 OF 2020

IN

FIRST APPEAL NO. 268 OF 2021

WITH

CIVIL APPLICATION NO. 901 OF 2020

IN

FIRST APPEAL NO. 268 OF 2021

M.S.E.D. COMPANY LTD. THROUGH EXECUTIVE ENGINEER
VERSUS
DAULATMAL NATHMAL JAIN AND OTHERS

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Mr. A.S. Shelke, Advocate for the applicant.
Mr. A.B. Kale, Advocate for respondent Nos. 1 to 5.
Mr. S.R. Yadav, A.G.P. for respondent Nos. 6 and 7.

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CORAM : **RAVINDRA V. GHUGE AND
S.G. MEHARE, JJ.**

DATE : 03-09-2021

ORDER :

1. The learned Counsel for the appellant has received 71 cheques for a total amount of Rs. 7,14,56,405/-. He prays for liberty to deposit the said cheques in this Court. Mr. Kale, the learned Advocate for the claimants submits that though the appellant is depositing the amount beyond the period granted, the claimants would not oppose.

2. Interim relief was granted to the appellant on the condition of depositing the amount in this Court. Now that the appellant is depositing 71 cheques for an amount of

Rs.7,14,56,405/-, the Civil Application can be allowed.

3. In view of the above, Civil Application No.900/2020 is allowed. The appellant shall deposit 71 cheques as noted above in this Court on or before 15th September 2021. The impugned award shall stand stayed till the decision in the First Appeal, subject to the realisation of all the cheques.

4. In so far as Civil Application No. 901 of 2020 is concerned, the learned Advocate Mr. Kale appears for all the claimants / respondent Nos. 1 to 5. The learned A.G.P. appears for respondent Nos. 6 and 7.

5. Let the affidavits in reply be filed in the said Civil Application under Order 41 Rule 27 of the Code of Civil Procedure, on or before 24th September 2021.

6. List the First Appeal and Civil Application No. 901 of 2020 on 27th September 2021 in the urgent category.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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