

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

**CIVIL APPLICATION NO.10122/2021
IN
SECOND APPEAL NO.389/2021**

THE SUPERINTENDING ENGINEER, MAHARASHTRA STATE
ELECTRICITY DISTRIBUTION COMPANY LIMITED & ORS.

VERSUS

SUKESHINI VIJAYKUMAR DUGANE

...

Advocate for Applicants : Mr. Shelke Avishkar S.

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 4th October, 2021.

PER COURT :-

1. In view of admission of the Second Appeal, stay deserves to be granted to the execution and operation of the decree passed by the Courts below.

2. A fact is required to be noted here that it appears that the plaintiffs had filed Writ Petition No.1636/2019 before this Court, wherein, by order dated 16th September, 2019, this Court has taken a note of interlocutory order passed by the first Appellate Court on 30.10.2017, whereby the stay application was allowed and condition was imposed of depositing Rs.75,000/- before the Court. This Court modified Clause-3 and allowed the original plaintiffs to withdraw the amount of Rs.75,000/-, which was deposited

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before the first Appellate Court by the present applicants-appellants.

3. Under such circumstance, when already 50% of the compensation amount is allowed to be withdrawn, it is not necessary that the present appellants/applicants should be directed to pay any more amount. Therefore, there should be stay in respect of rest of the amount till hearing and final disposal of the Second Appeal in terms of prayer clause (B).

4. The Civil Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV