

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

987 WRIT PETITION NO.7864 OF 2021

SHRI EKVIRA DEVI SHAIKSHANIK MANDAL THROUGH ITS
PRESIDENT
VERSUS

THE NATIONAL HIGHWAY AUTHORITY OF INDIA THROUGH
GENERAL MANAGER AND ANOTHER

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Advocate for Petitioners : Mr. Patil Vijay B.
Advocate for Respondent No.1: Mr. D.S. Manorkar
Advocate for Respondent No.2: Mr. A. B. Dhongade

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 21st October, 2021

P.C. :

. We have heard learned counsel Mr. Vijay Patil for the petitioner and Mr. D. S. Manorkar for respondent No.1, after the award is passed by the Arbitrator, the acquiring body had moved the District Judge under Section 34 of the Arbitration Act. The District Judge dismissed the application under Section 34. Aggrieved thereby the acquiring body has filed appeal before this Court under Section 37 of the Arbitration Act.

2. In the present writ petition, the petitioner/claimant seeks direction against the respondents to deposit the amount.

3. In the writ petition wherein the matter is pending before the District Judge under Section 34, we have directed the acquiring body to deposit the amount before the District Judge.

4. In the present matter, the matter is now pending before this Court exercising first appellate jurisdiction, the petitioner can make request before the Court where the appeal filed by the acquiring body is pending for directions against the acquiring body to deposit the amount in the Court.

5. It would not be appropriate on our part to issue directions in the matter pending before the co-ordinate bench.

6. In view of the above, the writ petition is disposed of with the aforesaid observations and the liberty to the petitioner.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)