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

902 CIVIL APPLICATION NO.9353 OF 2021
IN FAST/21804/2021 WITH CA/9354/2021 IN
FAST/21804/2021

THE ADMINISTRATOR CIDCO, AURANGABAD
VERSUS
SATISHCHANDRA RAMVILAS SIKCHI AND ANR

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Mr A. S. Bajaj, Advocate for applicant;
Mr P. K. Lakhotiya, Advocate h/f Mr U. P. Darak, Advocate for
respondent No.1;
Mr S. B. Pulkundwar, A.G.P. for respondent No.2

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

DATE : 8th September, 2021

PER COURT:

1. Issue notice to the respondents. Shri. Lakhotiya, the learned Advocate waives service of notice on behalf of respondent No.1 – original claimant and the learned A.G.P. waives service of notice on behalf of respondent No.2.
2. The appeal has suffered a delay of 116 days. In similar matters, this Court has condoned the delay and by directing the appellant to deposit 50% of the entire amount, inclusive of accrued interest as per the award, the impugned award has also been stayed.

3. The learned Advocate for the claimant vehemently opposes the application for condonation of delay.

4. Considering the law laid down in the matters of **Collector, Land Acquisition, Anantnag v/s Mst. Katiji, AIR 1987 SC 1353** and **Esha Bhattacharjee v/s Managing Committee of Raghunathpur Nafar Academy, (2013) 12 SCC 649**, we do not find that any laches or mala fides can be attributed to the conduct of the appellant. The delay is neither deliberate nor inordinate. As such, Civil Application No.9353/2021 is allowed.

5. Consequently, the First Appeal, subject to removal of all office objections, shall stand registered.

6. Shri. Lakhotiya has vehemently opposed Civil Application No.9354/2021, in which the appellant has prayed for interim relief. He submits that, in all, there are eight first appeals, excluding the appeal in hand. This Court had directed the appellant to deposit 50% of the amount. He frankly submits that in an appeal pertaining to the A. S. Club property, this Court has

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passed an order in Civil Application No.6451/2021 in First Appeal No.319/2021, thereby directing the appellant to deposit 70% of the awarded amount. He, therefore, submits that in this appeal as well, the appellant be directed to deposit 70% of the amount.

7. Shri. Bajaj, the learned Advocate points out that the claimant in this appeal is the claimant in many other appeals. Even in those appeals, this Court has directed that 50% of the decreed amount, inclusive of interest, should be deposited.

8. In view of the above, this appeal is **‘ADMITTED’**. Pending final hearing, the appellant shall deposit 50% of the awarded amount inclusive of accruals thereon, within 10 weeks from today. It is made clear that a request for an extension of time would not be entertained and if the amount is not deposited, the interim protection granted today, shall automatically stand vacated without reference to the Court.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk