

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

**CIVIL APPLICATION NO.13320 OF 2019
IN
FIRST APPEAL NO.175 OF 2020**

**ACHUT VENKATI HOLE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR
AND OTHERS**

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Mr. B.R. Kedar, Advocate for the Applicant
Mr. Umakant P. Giri, Advocate for Respondent Nos. 1 and 3
Mr. A.M. Phule, AGP for Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 30th NOVEMBER, 2021

PER COURT:-

1. Heard Mr. Kedar, learned counsel for the applicant / original claimant. He invited my attention to the earlier orders passed by this Court. He submits that in spite of specific directions given by this Court vide order dated 16.11.2021, the acquiring body has not taken any steps to deposit the remaining amount under the award along with accrued interest thereon. He submits that conditional stay granted by this Court needs to be vacated.

2. Mr. Umakant Giri, learned counsel for respondent nos. 1 and 3 submits that the acquiring body has deposited the entire amount under the award and complied with the order passed by this Court.

3. On the last date i.e. on 16.11.2021, this Court was pleased to issue directions in para no.6, which reads thus:-

“6. Respondent Nos.1 and 3 are hereby directed to deposit remaining amount under the Award along with the accrued interest thereon and as per the calculations made by the Registrar (Judicial) of this court within a period of two weeks from today, failing which the conditional stay order passed by this Court would be vacated.”

4. Respondent nos. 1 and 3 failed to deposit the remaining amount under the award along with accrued interest thereon in view of the report submitted by the Registrar (Judicial) of this Court, till today. Though the caution was given to respondent nos. 1 and 3 that stay order would be vacated, no steps are taken by the acquiring body to comply the order of this Court. The acquiring body seems to be not interested in complying the orders of this

Court. The conditional stay order came to be passed long back i.e. on 04.10.2018 and even after lapse of three years, not complied the same. Under these circumstances, no option left before this Court to vacate the conditional stay granted earlier by this Court. Hence, the following order:-

ORDER

- (i) The application is hereby allowed.
- (ii) The conditional stay order passed by this Court vide order dated 04.10.2018 stands vacated for non-compliance thereof.
- (iii) The applicant / original claimant is at liberty to start the execution proceedings before the executing Court.
- (iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane