

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

909 CIVIL APPLICATION NO.4989 OF 2022
IN FAST/8283/2020

THE EXE. ENGINEER, WAGHUR PRO. SECTION
JALGAON AND OTHERS
VERSUS
EKNATH SANDU PATIL AND ANOTHER

...
Mr. Ajay D. Pawar, Advocate for Applicant.
Mr. A. B. Kale, Advocate for Respondent Nos.1 & 2.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 01st April, 2022.

P.C.:

. Leave granted to correct the figure in prayer clause 10(B).

2 It is an application moved by the applicant/acquiring body seeking permission to deposit the Demand Draft of Rs.1,63,19,000/- towards 25% of the decretal amount in two first appeals arising out of LAR No.799 of 2010 (First Appeal (Stamp) No.8283 of 2020) and LAR No.800 of 2010 (First Appeal (Stamp) No.8287 of 2020) by Demand Draft No.296651 dated 8th March, 2022.

3 Heard Mr. Pawar, learned counsel for applicants and Mr. Kale, learned counsel for original claimants.

4 It is revealed during the course of argument that this Court was

pleased to grant interim stay in favour of the applicant/acquiring body with direction to deposit 75% of the decretal amount under the impugned award. That stay order was not complied by the applicant/acquiring body and ultimately, the interim stay granted by this Court came to be vacated. Now, the applicant/acquiring body intends to deposit 25% of the decretal amount. There is no difficulty to allow the applicant/acquiring body to deposit the Demand Draft of the compensation amount without prejudice to the rights and interest of the claimants.

5 So far as prayer clause (C) and (D) are concerned, the applicants/acquiring body are at liberty to move appropriate applications before the Executing Court and the Executing Court may decide the same on its own merits. With the above observations, I proceed to pass the following order:

ORDER

- I. The Registry is directed to accept the Demand Draft of Rs.1,63,19,000/- towards 25% of the decretal amount from the applicants/acquiring body without prejudice to the rights and interest of the claimants.
- II. The applicants/acquiring body are hereby granted liberty to move the concerned Executing Court regarding the

prayer of release of attached movable property of the acquiring body and the Executing Court may decide the same on its own merits.

III. Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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