

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

910 CIVIL APPLICATION NO.10033 OF 2021
IN FAST/11740/2021

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRIGA. PROJ. STRENG. DIV.
OMERGA
VERSUS
DHONDIBA NIVRUTI SURWASE (FANIPURE) AND ORS

Mr A.S. Shelke, Advocate for applicants
Mr L.C. Patil, Advocate for respondent no.1
Mr A.B. Chate, A.G.P. for respondents 2 and 3

WITH
CA/10028/2021 IN FAST/11973/2021
WITH CA/10034/2021 IN FAST/11740/2021
WITH CA/10029/2021 IN FAST/11967/2021
WITH CA/10031/2021 IN FAST/11991/2021
WITH CA/10039/2021 IN FAST/11983/2021
WITH CA/10036/2021 IN FAST/11963/2021
WITH CA/10038/2021 IN FAST/11979/2021
WITH CA/10040/2021 IN FAST/11983/2021
WITH CA/10032/2021 IN FAST/11991/2021
WITH CA/10030/2021 IN FAST/11967/2021
WITH CA/10026/2021 IN FAST/11987/2021
WITH CA/10035/2021 IN FAST/11963/2021
WITH CA/10037/2021 IN FAST/11979/2021
WITH CA/10025/2021 IN FAST/11987/2021
WITH CA/10027/2021 IN FAST/11973/2021

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 19th April, 2022

PER COURT :

ORDER IN CIVIL APPLICATIONS FOR CONDONATION OF DELAY

1. Heard.
2. Issue notice to respondents. Mr L.C. Patil, learned Advocate waives notice for respondent no.1 and Mr A.B. Chate, learned A.G.P. waives notice for respondents no.2 and 3. There seems to be delay of 1722 days in preferring the appeals.

3. Mr L.C. Patil, learned Advocate for respondents no.2 and 3 opposed to condone the delay. Whereas, Mr A.B. Chate, learned A.G.P. for respondent no.1 has no objection to condone the delay.

4. For the reasons stated in the applications, more particularly paragraphs 9 to 14, the delay needs to be condoned in the interest of justice.

ORDER

(i) The Civil Applications for condonation of delay are hereby allowed.

(ii) The Registry to make scrutiny of the appeals as per procedure and thereafter the appeals be numbered and placed before the Court for admission.

ORDER IN CIVIL APPLICATIONS FOR STAY

5. These are the applications for stay moved by the applicants.

6. Heard Mr A.S. Shelke, learned Advocate for applicants.

7. Issue notice to respondents no.1 to 3. Mr L.C. Patil, learned Advocate waives notice for respondent no.1 and Mr A.B. Chate, learned A.G.P. waives notice for respondents no.2 and 3.

8. Perused the impugned judgment and award passed by the reference Court in respective L.A.R. proceedings. Mr L.C. Patil, learned Advocate for the original claimants seeks leave to place on record copies of two orders passed by this Court in Civil Application No.10831 of 2021 in First Appeal (St.) No.22534 of 2021 and Civil Application No.7917 of 2021 in First Appeal (St.) No.4748 of 2021. Leave granted. The copies of orders dated 7.10.221

and 13.8.2021, respectively are taken on record and marked as "X" collectively for identification.

9. Having considered the submissions of learned Advocates for both the sides and looking to the earlier orders passed by this Court, I am convinced to grant interim stay by giving directions to acquiring body to deposit 75% of amount of compensation with accrued interest thereon, which will protect the interest of both the sides.

ORDER

(i) The Civil Applications are hereby allowed in terms of prayer clause (B) on condition that 75% of amount of compensation under the award with accrued interest thereon shall be deposited by the applicant/acquiring body in this Court within twelve weeks from today.

(ii) Inform the concerned executing Court/reference Court accordingly.

(SHRIKANT D. KULKARNI, J.)

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