

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

913 CIVIL APPLICATION NO.1012 OF 2022
IN FAST/21044/2021 WITH CA/1014/2022 IN FAST/21219/2021 WITH
CA/1015/2022 IN FAST/21219/2021 WITH CA/1013/2022 IN
FAST/21044/2021

M.K.V.D.C., LTD THR EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIV. OMERGA
VERSUS
SADANAND HARIBHAU MANE AND ORS

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

- AND -

914 CIVIL APPLICATION NO.1023 OF 2022
IN FAST/20922/2021 WITH CA/1024/2022 IN FAST/20922/2021

M.K.V.D.C., THR EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIV. OMERGA
VERSUS
ASHOK MHADU MULE AND ORS

Mr A.S. Shelke, Advocate for applicant
Mr G.K. Sontakke, Advocate for respondent no.1
Mr S.P. Deshmukh, AGP for respondent Nos.2 and 3

- AND -

915 CIVIL APPLICATION NO.1026 OF 2022
IN FAST/21053/2021 WITH CA/1027/2022 IN FAST/21053/2021

M.K.V.D.C., LTD THR EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIV. OMERGA
VERSUS
HAMJU AAJMODDIN MUJAWAR AND ORS

Mr A.S. Shelke, Advocate for applicant
Mr G.K. Sontakke Advocate for respondent no.1
Mr N.T. Bhagat, AGP for respondents No.2 and 3

- AND -

916 CIVIL APPLICATION NO.1028 OF 2022
IN FAST/20929/2021 WITH CA/1029/2022 IN FAST/20929/2021

M.K.V.D.C., THR EX. ENGINEER, IRRIGATION PROJECT

STRENGTHENING DIV. OMERGA
VERSUS
KESHAV MAROTI FAND AND ORS

Mr A.S. Shelke, Advocate for applicant
Mr G.K. Sontakke Advocate for respondent no.1
Mr A.B. Chate, AGP for respondents No.2 and 3

- AND -

917 CIVIL APPLICATION NO.1033 OF 2022
IN FAST/20926/2021 WITH CA/1034/2022 IN FAST/20926/2021

M.K.V.D.C., THR EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIV. OMERGA
VERSUS
SUDHAKAR YESHWANT MANE AND ORS

Mr A.S. Shelke, Advocate for applicant
Mr G.K. Sontakke Advocate for respondent no.1
Mr A.B. Chate, AGP for respondents No.2 and 3

- AND -

918 CIVIL APPLICATION NO.1048 OF 2022
IN FAST/11752/2021 WITH CA/1062/2022 IN FAST/11883/2021 WITH
CA/1050/2022 IN FAST/11915/2021 WITH CA/1057/2022 IN
FAST/11906/2021 WITH CA/1060/2022 IN FAST/11887/2021 WITH
CA/1061/2022 IN FAST/11887/2021 WITH CA/1058/2022 IN
FAST/11900/2021 WITH CA/1059/2022 IN FAST/11900/2021 WITH
CA/1063/2022 IN FAST/11883/2021 WITH CA/1052/2022 IN
FAST/11910/2021 WITH CA/1054/2022 IN FAST/11910/2021 WITH
CA/1051/2022 IN FAST/11915/2021 WITH CA/1055/2022 IN
FAST/11906/2021 WITH CA/1049/2022 IN FAST/11752/2021

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA
VERSUS
SIDRAMAPPA REVANAPPA MENGSHETTY AND ORS

Mr A.S. Shelke, Advocate for applicant
Mr L.C. Patil, Advocate for respondent no.1
Mr P.M. Kulkarni, AGP for respondents No.2 and 3

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, and Mr G.K. Sontakke, learned Advocates waives notice for respondent no.1 in respective applications, and Mr A.B. Chate, Mr N.T. Bhagat, Mr P.M. Kulkarni and Mr S.P. Deshmukh learned A.G.P.s waive notice for respondents no.2 and 3 in respective applications. There seems to be delay of ranging from 336 to 1722 days in preferring the appeals.
3. Learned Advocate for respondents no.2 and 3 opposed to condone the delay. Whereas, learned A.G.P.s for respondent/State have no objection to condone the delay.
4. For the reasons stated in the applications, more particularly paragraphs 4 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, and Mr G.K. Sontakke, learned Advocates waives notice for respondent no.1 in respective applications, and Mr A.B. Chate, Mr N.T. Bhagat, Mr P.M. Kulkarni and Mr S.P. Deshmukh learned A.G.P.s waive notice for respondents no.2 and 3 in respective applications.

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 7.10.2021 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) Ad interim relief 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.
- (III) Stand over to 10.8.2022 for compliance.

(SHRIKANT D. KULKARNI, J.)

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