

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

932 CIVIL APPLICATION NO.5064 OF 2022
IN FAST/23792/2020

EX. ENGINEER, IRRI. PRO. MAJBUTIKARAN PRO.
OMERGA NOW M.K.K.V.D.C, PUNE AND ORS

VERSUS

SHAHAJI KISAN TAMBE (DIED)
THR LRS SATISH AND ANR

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Advocate for Applicants : Mr B.R. Survase
Advocate for Respondent : Mr L.C. Patil

WITH

CA/5067/2022 IN FAST/24801/2020 WITH CA/5066/2022
IN FAST/23792/2020 WITH CA/5068/2022 IN FAST/24801/2020

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

ORDER IN APPLICATIONS FOR DELAY CONDONATION

1. These are the applications for condonation of delay moved by the applicants/acquiring body.
2. Heard Mr B.R. Survase, learned counsel for the applicants/acquiring body.
3. Issue notice to the respondents/original claimants in all the applications for condonation of delay.
4. Mr L.C. Patil, learned counsel submits that he has instructions to appear in all these applications for condonation of delay on behalf of the respondents/original claimants and waives notice. He submits that he has no objection to condone the delay.

ORDER

- (i) The applications for condonation of delay are hereby allowed in terms of prayer clause (B).
- (ii) The Registry is directed to make scrutiny of those appeals and thereafter, those be numbered and placed before the Court for admission.
- (iii) The civil applications are accordingly disposed of.

ORDER IN APPLICATIONS FOR STAY

1. These are the applications for stay moved by the applicants/acquiring body.
2. Heard Mr B.R. Survase, learned counsel for the applicants/acquiring body.
3. Mr L.C. Patil, learned counsel for the respondents/original claimants submits that he has instructions to appear in all these applications for stay and waives notice.
4. Mr L.C. Patil, learned counsel for the original claimants has placed on record the copies of orders passed by this Court in Civil Application No. 14672/2016 with connected matters, Civil Application No. 219/2021 in First Appeal Stamp No. 23640/2020 and Civil Application No.167/2021 with Civil Application No. 167/2021 in Civil Application No. 5245 of 2021 in First Appeal St. No. 3370/2021. Leave granted.
5. The copies of orders dated 27.02.2017, 07.01.2021 and 06.01.2021 are taken on record and marked as 'X' collectively for identification in Civil Application No. 5245 of 2021 in First Appeal St. No. 3370/2021.

6. Mr L.C. Patil, learned counsel for the original claimants submits that this Court was pleased to grant stay subject to deposit of entire amount of compensation with accrued interest thereon within a period of twelve weeks. He therefore urged to take similar view.

7. Mr B.R. Survase, learned counsel for the applicants/acquiring body submits that the applicants/acquiring body is ready to deposit 75% of the amount of compensation and seeks stay.

8. I have considered the submissions of both the sides.

9. Perused the earlier orders passed by this Court referred above.

10. It is not in dispute that in the earlier group of matters arising out of same project and from same notification, this Court was pleased to grant stay subject to deposit of entire decretal amount with accrued interest thereon within a period of twelve weeks. I do not see any reason to take any different view. At the most, four weeks time can be added thereto so that acquiring body may make arrangement of funds.

ORDER

- (i) There shall be ad-interim relief in terms of prayer clause (B) on condition that the applicants/acquiring body shall deposit entire amount of compensation with accrued interest thereon in this Court within a period of sixteen weeks from today.
- (ii) Inform to the concerned Reference Court/executing court accordingly.
- (iii) Stand over to 23.08.2022.

(SHRIKANT D. KULKARNI, J.)