

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

**CIVIL APPLICATION NO. 11064 OF 2019
IN
FIRST APPEAL STAMP NO. 26517 OF 2018**

The Godavari Marathwada Irrigation
Development Corporation ... Applicant
Versus
Bharat Pandurang Sherkar and others ... Respondents
....
Mr. H. T. Gaikwad, Advocate for applicant
Mr. A. B. Chate, AGP for respondent Nos. 2 and 3
....

**CORAM : Y. G. KHOBRADE, J.
DATED : 17th NOVEMBER, 2022**

PER COURT :-

. This Court, vide order dated 20.09.2019, granted stay in terms of prayer clause 'B' of the Civil Application No.11064 of 2019 on deposit of entire decretal amount in this Court on or before 22.01.2020. By said order, it was further made clear that if the amount is not deposited on or before the said date, it shall be treated that there is no stay and in any case, the time limit to deposit the amount will not be extended. In spite of said fact, on 04.02.2020, again this Court granted time to deposit the decretal

amount till 11.03.2020. Thereafter, on 11.03.2020, again time was sought by the learned counsel of the applicant – Acquiring Body about progress of deposit of decretal amount before this Court. However, even after lapses of more than two and half years period, the applicant – Acquiring Body has not placed anything on record to show that the decretal amount is deposited in this Court. Therefore, to my mind, the interim order granted on 20.09.2019 needs to be recalled and vacated. Accordingly, I proceed to pass following order.

2. The interim order dated 20.09.2019 passed by this Court in Civil Application No. 11064 of 2019 is hereby recalled and stands vacated.

3. In view of rejection of Civil Application No.11063 of 2019 filed for condonation of delay, this civil application does not survive and the same is disposed of.

[Y. G. KHOBRAGADE, J.]

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