

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

2 CIVIL APPLICATION NO.13767 OF 2022
IN FAST/27735/2019 WITH CA/13771/2022 IN FAST/27794/2019
WITH CA/13769/2022 IN FAST/27797/2019

THE STATE OF MAHARASHTRA THROUGH-THE COLLECTOR,
OSMANABAD AND ORS
VERSUS
BABRUWAN MUKUNDRAO SURWASE AND ANR

...
Advocate for Applicants : Mr. S.R. Yadav Lonikar
...

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 3rd October, 2022

P.C.:-

Heard learned AGP.

2. The respondents are yet to be served, however they were previously served before order dated 10.02.2021. The record shows that vide order dated 04.10.2019 this Court had granted interim stay to the execution of impugned award subject to deposit of entire decretal amount in the court by the appellant-acquiring body on or before 20.02.2020. However, that amount could not be deposited due to Covid-19 pandemic situation and therefore vide order dated 10.02.2021 this Court extended the period further for 12 weeks. It was directed that if the amount is not deposited the application for

stay shall stand dismissed. However, it appears that since the appellant-State could not deposit the amount within the stipulated period the stay application and delay condonation application were dismissed.

3. The learned AGP now seeks permission to deposit the amount as per the earlier order by setting aside the order dated 10.02.2021. Though the respondents are not served but if the appellant-acquiring body is allowed to deposit the amount there will be no grievance for the respondents. Moreover, if such notices are issued to the respondents then the cheque which the acquiring body intends to deposit would certainly lapse. In view of the same, following order is passed:

ORDER

- i) The civil applications are hereby allowed.
- ii) The order dated 10.02.2021 whereby the respective civil applications for delay and stay mentioned in all these three applications were dismissed, are hereby restored to its original position and same will be allowed subject to realisation of cheque amount.
- iii) The appellant/applicants are permitted to deposit the

combined amount in all these matters by way of common cheque of Rs.42,96,505/-.

- iv) On realisation of aforesaid cheque the ad interim stay granted under order dated 04.10.2019 shall continue.
- v) All three applications are disposed of.

[SANDIPKUMAR C. MORE]
JUDGE