IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO.13819 OF 2022
IN FAST/24407/2019

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, OSMANABAD AND OTHERS
VERSUS
BALASAHEB MARUTI NIMBALKAR

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

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

P.C.:-

Leave to correct prayer clause-A.

2. Heard learned AGP.

3. The respondent is yet to be served, however he was previously served before order dated 10.02.2021. The record shows that vide order dated 13.09.2019 this Court had granted interim stay to the execution of impugned award subject to deposit of entire decreetal amount in the court by the appellant-acquiring body on or before 05.02.2020. 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 the since the appellant-State could not deposit the amount within the stipulated period the stay application and delay condonation application were dismissed.

4. 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 respondent is not served but if the appellant-acquiring body is allowed to deposit the amount there will be no grievance for the respondent. Moreover, if such notice is issued to the respondent 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 application is hereby allowed.

ii) The order dated 10.02.2021 whereby the civil applications bearing nos. 10665/2019 for delay condonation and 10667/2019 for stay are hereby restored to its original position and the same are allowed subject to realisation of cheque amount of Rs.3,36,566/-.

iii) The appellant/applicants are permitted to deposit the amount by way of cheque of Rs.3,36,566/-.

iv) On realisation of aforesaid cheque the ad interim stay granted under order dated 13.09.2019 shall continue.

v) Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

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