

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

**3 CIVIL APPLICATION NO.13776 OF 2022
IN FAST/2657/2019 WITH CA/2945/2019 IN FAST/2657/2019 WITH
CA/2944/2019 IN FAST/2657/2019**

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS
VERSUS
KALYAN BHAGWAT LOMATE AND ANR**

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

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

P.C.:-

Heard rival submissions.

2. The learned AGP submits that state-acquiring body is seeking recall of order dated 09.02.2021 whereby delay condonation and stay applications were dismissed due to non deposit of required amount. The learned AGP submits that the state-acquiring body is ready to deposit the amount of Rs.53,40,200/- and therefore the aforesaid order can be recalled. The learned counsel for the respondent-claimants has no strong objection for such deposit. As such following order is passed:

ORDER

- i) The application is hereby allowed.
- ii) The order dated 09.02.2021 whereby the civil applications for delay and stay mentioned therein are hereby restored to its original position and the same are allowed subject to realisation of cheque. The stay application is made absolute in terms of prayer clause-B.
- iii) The appellant/applicants are permitted to deposit the amount in this matter by way of cheque of Rs.53,40,200/-.
- iv) On realisation of aforesaid cheque the ad interim stay granted under order dated 27.02.2019 shall continue.
- v) Civil Application is disposed of.

[SANDIPKUMAR C. MORE]
JUDGE