

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.14187 OF 2018
IN FAST/28304/2018

THE EX. ENGINEER, LOWER TERNA CANAL
DIVISION NO.2 LATUR

VERSUS

VENKAT SITARAM DHONE AND ANR

Advocate for Applicant : Mr R.B. Deshpande
AGP for Respondent No. 2/State : Mrs D.S. Jape
Advocate for Respondent Nos. 1A to 1C : Ms L.R. Thakur h/f Mr L.C. Patil

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 11th JANUARY, 2022

PER COURT :

1. Mr Rahul Tambe, learned counsel submits that he has put his appearance on behalf of the acquiring body inadvertently. Mr Ram Deshpande is on the Panel of GMIDC. His appearance may be discharged. His statement is taken on record. Accordingly, the appearance of Mr Rahul Tambe for appellant be discharged. The office to note.

2. Heard Mr Ram Deshpande, learned counsel for the applicant/appellant, Ms L.R. Thakur holding for Mr L.C. Patil, learned counsel for the respondent/original claimant and Mrs D.S. Jape, learned AGP for respondent No.2/State.

3. It is revealed that this Court was pleased to grant interim stay to the execution and operation of the impugned Judgment and Award passed by the Reference Court vide order dated 22nd November, 2019 by observing that the State has already deposited Rs. 15,00,000/- (Rupees Fifteen Lakhs Only) . The claimant has also withdrawn the same.

4. Having regard to the above factual scenario, it is necessary to confirm the stay granted earlier by this Court.

5. Ms L.R. Thakur holding for Mr L.C. Patil submitted that the applicant may be directed to deposit the entire amount as per the Award. However, I am not convinced to issue such directions in view of the fact that the acquiring body was not party to the reference proceedings. The claimant has also withdrawn Rs. 15,00,000/- (Rupees Fifteen Lakhs Only) deposited by the State. There is no need to issue further directions.

ORDER

- (i) Interim stay granted by this Court is hereby made absolute.
- (ii) The operation and execution of the Judgment and Award passed by the learned Civil Judge, Senior Division, Osmanabad in LAR No. 188/1993 is hereby stayed till final disposal of the appeal.
- (iii) Inform to the concerned Court accordingly.
- (iv) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

mta