

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 14398 OF 2022 IN
FIRST APPEAL ST. NO. 27180 OF 2022

The Executive Engineer

Applicant

Versus

Pandharinath Dnyanoba Kendre

Respondent

Mrs. C.R. Kutti Choudhari, Advocate for the applicant.

Mr. R. B. Bagul, APP for respondent/State.

Mr. A. B. Kale, Advocate for respondents No. 1 to 7.

CORAM : R. G. AVACHAT &

R. M. JOSHI, JJ.

DATE : 11th OCTOBER, 2022.

PER COURT :

1. Perused the application. Heard learned counsel for both the sides.

2. It seems that delay is not intentional. Learned counsel for respondent has recorded no objection for condonation of delay.

3. In view of the above, application is allowed. Delay is condoned. Application stands disposed of.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14399 OF 2022 IN
FIRST APPEAL ST. NO. 27180 OF 2022

The Executive Engineer

Applicant

Versus

Pandharinath Dnyanoba Kendre

Respondent

Mrs. C.R. Kutti Choudhari, Advocate for the applicant.

Mr. R. B. Bagul, APP for respondent/State.

Mr. A. B. Kale, Advocate for respondents No. 1 to 7.

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.**

DATE : 11th OCTOBER, 2022.

PER COURT :

1. Issue notice to the respondents returnable on 22nd November, 2022.

2. Applicant is seeking stay of the impugned judgment and decree. Learned counsel for the applicant proposes to deposit 50% of the decretal amount. she submits that while passing the impugned judgment, joint measurements were not taken and the compensation is apparently excessive and that APMC person is not examined.

3. Aforesaid contention can be taken into consideration while deciding the appeal on merits. At this stage, it is necessary to secure substantial amount involved in the decree.

4. In view of this, applicant is directed to deposit 75% of the amount along with interest accrued thereon till date within a period of 12 weeks from today.

5. Subject to deposit of amount as directed, the impugned judgment and order stands stayed in terms of prayer clause 'B.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL ST. NO. 27180 OF 2022

The Executive Engineer

Appellant

Versus

Pandharinath Dnyanoba Kendre

Respondent

Mrs. C.R. Kutti Choudhari, Advocate for the appellant

Mr. R. B. Bagul, APP for respondent/State.

Mr. A. B. Kale, Advocate for respondents No. 1 to 7.

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.**

DATE : 11th OCTOBER, 2022.

PER COURT :

1. Issue notice to respondents returnable on 22nd November, 2022.

2. Call R & P.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge