

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

**24 CIVIL APPLICATION NO.16522 OF 2022
IN FAST/24340/2019**

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS
VERSUS
SHIVAJI MARUTI NIMBALKAR**

...
AGP for Applicant -State : Mr.A. B. Chate
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 12.12.2022

PER COURT :

Heard rival submissions. The learned AGP on behalf of the applicants -appellants submits that since the Acquiring Body could not deposit the amount of compensation within 12 weeks as per the order dtd. 10.02.2021, the entire appeal along with the delay condonation application and stay application was dismissed. He pointed out that at the most only stay application could have been disposed of due to non compliance of aforesaid order. He also pointed out that the cheque of compensation amount is ready and therefore, the same can be permitted to deposit.

2. There is no strong objection from other side. As such, the application stands allowed in terms of prayer clause 'A' subject to

deposit of the amount of compensation as mentioned in prayer clause 'B'. The stay granted under the order dtd.13.09.2019 to continue till then. Further it is directed that as soon as the stay application is restored after depositing the amount it would stand disposed of in terms of prayer clause 'B'.

3. Stand over to 16.01.2023.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-