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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1145 OF 2021
IN
FIRST APPEAL (ST) NO. 2400 OF 2021**

Executive Engineer, Nandur Madhyameshwar ...Applicant
Project, Division Nashik

Versus

Rambhau Shankar Shirsat ...Respondent

Ms.Chaitrali Deshmukh, for the Applicant.
Mr.Sachin Gite, for the Respondent.
Smt.Tanya Goswami, for the Respondent No.2.

**CORAM Madhav J. Jamdar, J.
DATED: 21st April, 2022**

PC:-

1. Heard Ms.Chaitrali Deshmukh, learned Counsel appearing for the Applicant, Mr.Sachin Gite, learned Counsel appearing for Respondent and Ms.Tanya Goswami, learned AGP appearing for the Respondent No.2.

2. By this Interim Application, the Applicant is seeking stay of the operation and implementation of the judgment and award dated 7th August 2017 passed in LAR No.48 of 2010 by the Civil Judge, Senior Division, Nashik. Ms. Chaitrali Deshmukh, the learned counsel for the Applicant states that within 12 weeks the Applicant

is ready to deposit the entire awarded amount along with upto date interest till date before the concerned Reference Court.

3. As Applicant is ready to deposit entire awarded amount along with interest before the concerned Reference Court, this Interim Application is allowed in terms of prayer clause (b) on the condition that the Respondent-claimant is at liberty to withdraw 50% of the amount deposited by the Applicant by giving usual undertaking to the effect that in case the Appeal is allowed the Respondent-claimant will deposit entire amount in this Court along with interest as per the further orders passed in the First Appeal.

4. Learned Counsel for the Respondent-claimant is also at liberty to file an Application seeking withdrawal of balance 50% of the amount deposited. The said Application will be considered on its own merits.

5. The Interim Application is disposed of in the aforesaid terms.

(Madhav J. Jamdar, J.)