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

**INTERIM APPLICATION NO. 539 OF 2020
IN
FIRST APPEAL (ST) NO. 946 OF 2020**

Executive Engineer, Nandur Madhyameshwar Project ...Applicant

Versus

Murlidhar Laxman Raikar Deceased Thr. LRS. ...Respondents
Nivrutti Murlidhar Raikar & Ors.

Ms.Chaitrali Deshmukh, for the Applicant.
Mr.Sachin Gite, for the Respondent Nos.1a to 1g.
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 Nos.1a to 1g 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 17th August 2017 passed in LAR No.79 of 2010 by the Civil Judge, Senior Division, Nashik. This Court vide order dated 15th January 2021 passed in this Interim Application issued notice to the

Respondents and granted stay subject to deposit of the entire awarded amount along with upto date interest before the concerned Reference Court.

3. Ms. Chaitrali Deshmukh, learned Counsel appearing for the Applicant states that entire amount is deposited before the Reference Court. The same is also recorded by this Court in the order dated 4th October 2021. In view of the deposit of entire amount before the Reference Court, this interim Application is allowed in terms of prayer clause (b) on the condition that the Respondent-claimants are 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 Respondents-claimants 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 Respondents-claimants are 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.)