

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (STAMP) NO. 25884 OF 2021

WITH

INTERIM APPLICATION NO. 459 OF 2022

WITH

INTERIM APPLICATION NO. 458 OF 2022

IN

FIRST APPEAL (STAMP) NO. 25884 OF 2021

Executive Engineer

... Appellant

Versus

Shri.Pandurang Kondiba Shivekar

Since deceased through legal heirs

1a-Muktabai Pandurang Shivekar and Ors. ... Respondents

Smt. Chaitrali Deshmukh, for the Appellant.

Mr. S. R. Wakale, for Respondent No.1.

Ms. Tanaya Goswami, AGP, for the State-Respondent Nos. 2 and 3.

CORAM : V. G. BISHT, J.

DATE : 3RD FEBRUARY, 2022.

PC:

INTERIM APPLICATION NO. 458 OF 2022

Heard both the sides.

2 I have also gone through the contents of the condonation of delay application. The reasons given for the delay appear to be just and reasonable. Hence, the same are accepted and delay of 2 years 189 days in filing the First Appeal stands condoned.

REKHA
PRAKASH
PATIL

Rekha Patil

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- 3 Interim Application stands disposed of accordingly.
- 4 Appeal be numbered.
- 5 Issue notice to respondent, returnable on 7th April, 2022. Learned Counsel for respondents waive service on behalf of the respective respondents.
- 6 List the First Appeal for Admission on 7th April, 2022.

INTERIM APPLICATION NO. 459 OF 2022

Heard learned counsel for the applicant/appellant by way of present Appeal.

2 The applicant/appellant is challenging the Judgment and Award dated 19/03/2019 passed by the learned Ad-hoc District Judge-1 at Khed-Rajgurunagar, District- Pune in Lands Reference Case No.263 of 2014 whereby learned Judge allowed the Reference and passed the order in question. Learned Counsel for appellant submits that there are arguable points and requests that the judgment and Award dated 19/03/2019 passed by the learned trial Judge be stayed and also shown the willingness to deposit the amount of Award as decreed by the learned trial Judge.

3 The impugned judgment and Award passed by the learned trial Judge on 19/03/2019 shall stand stayed subject to applicant/appellant depositing the entire decretal amount of Award before the trial Court within 8 weeks from today. If the said decretal amount is not deposited within 8 weeks, the stay shall stand vacated automatically.

4 Post the matter for consideration on **7th April, 2022.**

(V. G. BISHT, J.)