

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

40 CIVIL APPLICATION NO.1285 OF 2023
IN FAST/3388/2023 WITH CA/1286/2023 IN FAST/3388/2023

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALNA DISTRICT JALNA

VERSUS

SHRI PRAKASH RATANLAL KASAR

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Advocate for Applicant : Mr. M. S. Kulkarni
:Advocate for Respondent : Mr. Swapnil S. Patunkar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 06/02/2023.**

P. C. :

A) IN CIVIL APPLICATION NO.1285/2023 :

1. Heard.
2. Issue notice to respondents. The learned counsel Mr. Swapnil Patunkar waives service for respondent / claimant.
3. Heard rival submissions.
4. The acquiring body is seeking condonation of delay of 234 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side.
5. As such, delay of 234 days stands condoned.
6. The appeal be placed for admission after removal of office objections, if any. The application stand disposed of.

B) IN CIVIL APPLICATION NO. 1286 OF 2023 :

1. Heard.
2. Issue notice to respondents. The learned counsel Mr. Swapnil Patunkar waives service for respondent / claimant.
3. Heard rival submissions.
4. The learned counsel for the appellant acquiring body submits that the reference court has relied upon private valuer's report, which was obtained by the claimant without giving any notice to the acquiring body or government in respect of trees.
5. In view of the same, there shall be interim stay in terms of prayer clause-A subject to payment of 75% of the compensation amount, within 10 weeks from the date of this order.

(SANDIPKUMAR C. MORE, J.)