

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO. 9469 OF 2023
IN FIRST APPEAL NO. 3152 OF 2021
WITH CA/8943/2021 IN FA/3152/2021
WITH CA/10070/2023 IN FA/3153/2021
WITH FIRST APPEAL NO. 3152 OF 2021
WITH FIRST APPEAL NO. 3153 OF 2021
WITH FIRST APPEAL NO. 3154 OF 2021

JANARDHAN PUNDLIK MUSKAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND OTHERS

...
Mr. S.V. Gundre – Advocate for Applicant
Mr. S.P. Tiwari – AGP for Respondent, State
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th August, 2023

PER COURT :

CIVIL APPLICATION NO. 8943 OF 2021

1. It appears that, despite conditional order dated 3rd December, 2021 for depositing 80% of the compensation amount, the appellant – State has not deposited the same.

2. As such, it is clarified that since the aforesaid conditional order is not complied the respondent No.1 –

claimant is free to pursue the remedy of execution of the impugned award as if there is not stay order from this Court.

CIVIL APPLICATION NO. 9469 OF 2023

3. Heard rival submissions.

4. In view of order passed by this Court today in stay Application No. 8943 of 2021 clarifying that, due to default in payment of compensation amount the stay order is no more in existence, the present application for direction to deposit the amount, stands disposed of.

WITH FIRST APPEAL NO. 3152 OF 2021

WITH FIRST APPEAL NO. 3153 OF 2021

WITH FIRST APPEAL NO. 3154 OF 2021

5. By consent the matters (appeals) are referred to Lok Adalat to be held on 9th September, 2023.

CIVIL APPLICATION NO. 10070 OF 2023

6. Heard rival submissions.

7. The applicant – State Acquiring Body is seeking permission to bring on record the legal representatives of

respondent No.1 – Pralhad Tulshiram Muskawad, who admittedly died on 11.09.2017, by condoning the delay of 1697 days.

8. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clauses 'B' and 'C'.

9. The appellant – acquiring body is directed to carry out the amendment within a stipulated period.

10. The application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE