

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.83 OF 2023
WITH
CA/3348/2021 IN FA/83/2023
WITH
CA/13779/2022 IN FA/83/2023

THE COLLECTOR JALGAON, DIST. JALGAON AND OTHERS
VERSUS
FULABAI TARACHAND BANWAT (DIED), PARVATABAI (DIED) THROUGH LRS.
PREMCHAND AND OTHERS

.....
APP for Appellants – State : Mr. A. M. Phule
Advocate for Respondent Nos.1 to 5 : Ms. Sakshi Ajit Kale
.....

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 20th JANUARY 2023

PER COURT :

1. Heard learned APP for the appellant.
2. Since arguable points are made, **admit.**
3. We would like to state that Civil Application No.3348 of 2021 was filed by the appellant for stay to the impugned judgment and decree and this Court by order dated 18th March 2021 passed an order that the execution proceedings for execution of the judgment and award dated 30.09.2019 be kept in abeyance, subject to applicants depositing 50% amount of award within a period of eight weeks. That means it was the conditional order. It also appears that the said order has not been complied with.

4. Under such circumstance, there is no stay to the impugned judgment and award. In fact, there was no occasion for the original claimants to file Civil Application No.13779 of 2022 for vacating the interim relief. At no subsequent point of time after eight weeks the appellant - State has not prayed that the said order dated 18.03.2021 be extended and therefore, in view of the fact that order is not complied with. Civil Application No.3348 of 2021 stands disposed of. So also, Civil Application No.13779 of 2022 stands disposed of.

5. Call Record and Proceedings.

6. To be listed after receipt of Record and Proceedings.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)