

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

921 CIVIL APPLICATION NO.105 OF 2023
IN FAST/10313/2022

WITH

CA/103/2023 IN FAST/10565/2022 WITH CA/106/2023 IN
FAST/10562/2022

HANMANT MAHAMUNI (DIED) HIS LRS. PHULABAI (DIED)
CHANDRAKANT HANMANT MAHAMUNI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. Shelke Manoj Uttamrao
AGP for Respondents – State : Mr. B. V. Virdhe
Advocate for Respondent No.3 : Mr. Hemraj P. Kshirsagar

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.01.2023

PER COURT :

Heard rival submissions. Though the withdrawal applications are filed by the present applicants -claimants but the Acquiring Body, who has filed the appeal has not deposited any amount of compensation even on securing conditional stay order. The learned counsel for the applicants pointed out that the applicants have in fact taken out execution proceedings but the Acquiring Body is taking shelter of the aforesaid condition before the Reference Court. Under such circumstances, it is made clear that since the Acquiring Body has flouted the conditional order passed by this Court at the time of

taking stay to the execution of the impugned awards, there shall not be any stay in favour of the Acquiring Body from now onwards. The Reference Court is directed to proceed further with the execution proceedings taken out by the applicants by ignoring the aforesaid conditional stay orders.

2. The applications for withdrawal stands disposed of with liberty to file afresh in case, the amounts are deposited in this Court by the Acquiring Body.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-