

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 408 OF 2020
IN
FIRST APPEAL (STAMP) NO. 732 OF 2020

Executive Engineer

...Applicant/Appellant

Versus

Ramdas Kalu Shirsat & Ors.

...Respondents

.....

Ms. Chaitrali A. Deshmukh for the Applicant/Appellant.

Mr. Sachin Gite for the Respondents.

None for the Respondent No.15-State.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 16th MARCH, 2023.

P.C.

1. Heard.
2. Mr. Sachin Gite waives service on behalf of the Respondents-Claimants.
3. Against the common Judgment and Award passed by the Civil Judge Senior Division, Nashik in Land Reference Nos.228 of 2010, 230 of 2010 and 231 of 2010, the acquiring body/Executive Engineer has preferred this Appeal *inter alia* filed an Application seeking stay to the effect, operation and implementation of the impugned Award.
4. Learned Counsel for the Applicant, on instructions, submits

that Execution Application has already been filed by the Respondents-Claimants, and if the Award is executed, the Appeal would become infructuous. The Counsel, therefore, seeks stay to the implementation and operation of the said Award. It is submitted that the entire amount under Award, with accrued interest, as on today, will be deposited in the Trial Court within 12 weeks. Statement is accepted.

5. If the amount under Award, as above, is not deposited within 12 weeks, the stay shall stand vacated automatically.

6. Upon depositing the amount of Award with interest, liberty to the Respondents-Claimants to apply for withdrawal of 50% of the amount of Award with accrued interest.

7. After withdrawal of the 50% of the Award amount, the balance amount shall be deposited in the Fixed Deposit, initially for a period of two years and shall further be renewed as per the Orders passed thereafter.

8. Application stands disposed off.

[PRITHVIRAJ K. CHAVAN, J.]