

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.328 OF 2023**

**IN**

**FIRST APPEAL NO.53 OF 2015**

State of Maharashtra and anr. ..vs.. Shamrao Sakharam Raut and ors.

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Ms. T. Udeshi, A.G.P for the appellant/State.  
Shri H.R. Gadhiya, Advocate for the LR's of respondent no. 1.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- FEBRUARY 07, 2023.**

Heard.

2. By preferring this application, the appellant-State seeking stay to the effect, operation and execution of the impugned judgment and decree passed by the 2<sup>nd</sup> Joint Civil Judge, Senior Division, Akola in L.A.C. No.96/2000 decided on 27/04/2011.

3. As per the contention of the State, the appellant-State has preferred this appeal and challenged the judgment passed by the Civil Judge, Senior Division, Akola. At the time of admitting the appeal, this Court has granted stay on condition that the State authority shall deposit 50% of the decretal amount however, inadvertently, the amount was not deposited. Now 50% of the amount is deposited before the Civil Judge, Senior Division, Akola on 22/08/2016 and therefore, the decree passed by the trial Court be stayed.

4. Heard learned Assistant Government Pleader for the State and learned Counsel appearing for the claimants.

5. Perused the application.

6. Considering the award is passed long back in the year 2011, now, the State shall deposit the entire amount of compensation along with accrued interests. On depositing the said amount, the effect, operation and execution of the impugned judgment and decree shall be stayed till final disposal of the appeal. Hence, the following order :

- (i) The Civil application is allowed.
- (ii) The appellant/State shall deposit the balance 50% amount along with accrued interests within four weeks before the Civil Judge, Senior Division, Akola.
- (iii) The application is disposed of accordingly.

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As the record and proceedings is already received the paper book is dispensed with, with the consent of both the parties.

2. Place the matter on 03/03/2023 for final hearing.