



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

CIVIL APPLICATION NO. 9191 OF 2023
IN FAST/25020/2021

DAMAYANTI DATTATRAY KAWADE
VERSUS
THE EX. ENGINEER, IRRIGATION DEPARTMENT OSMANABAD AND
ORS

...
Advocate for Applicant : Mr. Laxmikant C. Patil
Advocate for Respondent No.1 : Mr. Umakant P. Giri
Advocate for Respondents No.2 and 3 : Mr. P. D. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 05-04-2024

PER COURT :-

1. The appeal preferred by respondent No.1/appellant is dismissed for default. So, the order granting stay is not in existence. In the circumstances, the Court is of the view that the appellant is the master of his money deposited with this Court. Since, the appeal has been dismissed for default, the money which was deposited conditionally should not be ordered to be paid to the respondent/claimant.

2. The respondent/claimant has a legal remedy to recover money by way of filing execution. Hence, the application stands dismissed.

**(S. G. MEHARE)
JUDGE**