

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12615 OF 2023
IN FAST/25420/2023
WITH
CIVIL APPLICATION NO. 12616 OF 2023
IN FAST/25420/2023

The Executive Engineer, Irrigation Department Strengthening Division
Omerga Dist Osmanabad

VERSUS

Pandurang Pandhari Tukaram Bhosale Died His Lrs Pralhad And Ors

...

Advocate for Applicant : Mr. Tambe Rahul A

AGP for Respondent/State : Mr. A.S. Shinde

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 15, 2024

PER COURT:-

1. Issue notice to the respondents.
2. Learned AGP waives service of notice for the State.
3. Learned counsel Mr. A.P. Yenegure has instructions to appear for respondent nos.1 to 4.
4. Heard learned counsel for the applicant and learned counsel for the contesting respondents.
5. There is a short delay of 70 days in preferring the appeal. However, the counsel for the contesting respondents opposed the application. For the reasons mentioned in the application, the application for delay is allowed. The delay caused in preferring the appeal is condoned. Registry to register the appeal.

6. Admit.

7. Learned AGP waives service of notice for the State. Learned counsel Mr. A.P. Yenegure waives service of notice for respondent nos.1 to 4.

8. Call record and proceedings.

In Civil Application No.12616 of 2023 for Stay

9. Learned counsel for the applicant prays for stay to the impugned judgment and award. He has produced the copies of the order of this Court passed in similarly situated matters.

10. Learned counsel for respondent nos.1 to 4 strongly opposed the application. He would submit that the applicant has to deposit 100% of the amount of compensation. It is a money decree. Hence, a blanket stay could not be granted.

11. In view of the facts and circumstances of the case, the execution and implementation of the impugned judgment and award is stayed till conclusion of the appeal, on the condition to deposit 50% of the amount of compensation with this Court along with the accrued interest as per the impugned judgment and award within twelve (12) weeks from today.

12. If the compensation amount is not deposited within twelve (12) weeks from today, the stay would be vacated automatically.

13. It is made clear that there shall be no further extension of time to deposit the compensation amount.

(S.G. MEHARE, J.)