



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11059 OF 2023
IN FA/2893/2018 WITH CA/11060/2023
IN FA/2893/2018 WITH FA/2893/2018

Keshav Nagnath Pawar

...Applicant

VERSUS

The Ex. Engineer, Minor Irrigation Division, G.m.i Thr
M.b. Kade And Anr

....Respondent

...

Mr. P. K. Deshmukh, Advocate for Applicant

Mr. S. C. Arora, Advocate for Respondents

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 05, 2024

PER COURT :

1. This application is moved for withdrawal of 25% amount deposited by Respondent No. 1 in this Court. It is the contention of the Applicant that Respondent No. 1 has failed to deposit amount as directed by order dated 28.09.2018 within a period of eight weeks and hence, order of stay does not exist. Application is filed solely on the ground that the stay to the impugned award no more is in force, hence, applicant is entitled for withdrawal of entire amount.

2. Learned Counsel for the Applicant submits that

behind back of Applicant herein original Appellant/Acquiring Body has deposited the amount of compensation pursuant to the stay order passed by this Court on 25.02.2022. It is further submitted that the said deposit was without prejudice to the rights and interest of the opposite side. Thus, it is his contention that the stay of the impugned award was not in force after expiry of eight weeks of passing of order dated 28.03.2022 granting stay.

3. Perusal of record indicates that the application bearing no. 3524/2022 came to be filed by the Applicant for withdrawal of 100% amount. This Court by passing order dated 28.03.2012 has permitted withdrawal of 75% amount with further direction to invest remaining 25% amount in the fixed deposit in any nationalized bank. Admittedly, applicant has not challenged this order.

4. Needless to say that the factum of deposit of cheque towards payment of compensation pursuant to order dated 25.02.2022 was well within knowledge & consideration of this Court while passing order on

28.03.2022. This Court, therefore, finds no change in circumstance for passing any further order in this regard.

5. In view of this, civil application bearing no. 11059 of 2023 stands dismissed.

(R. M. JOSHI, J.)

Malani