



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13474 OF 2024
IN
FIRST APPEAL (ST.) NO.11233 OF 2023

Executive Engineer,
Minor Irrigation Department, Nashik

... Applicant.

Versus

Hirabai Mohan Phasale and Ors.

... Respondents.

Ms. Chaitrali Deshmukh, for the Appliant.

Mr. Prashant Patil (through video conferencing) for Resp.Nos.1, 3 to 5.

Mr. A.R. Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : October 18, 2024

P. C. :

1. Heard.
2. Interim Application has been preferred seeking stay of the order dated 26th September, 2019 passed by the Reference Court in LAR No.563 of 2010.
3. Learned counsel appearing for the Applicant submits that by an order of 6th November, 2023, ad-interim stay was granted on the condition of deposit within a period of eight weeks. She submits that there were some delay in receipt of funds from the State Government and therefore the amount could not be deposited within a period of eight weeks from the date of the order of 6th November, 2023. She further submits that the Applicants have now calculated the amount till September, 2024 and within a period of one week the amount will be deposited in the Reference Court.

4. Learned counsel appearing for the Respondent Nos.1, 3 to 5 submits that despite the order permitting them to deposit within a period of eight weeks no deposit was made and therefore, no stay should be granted.
5. Considering that the Claimants would have an opportunity to withdraw amount if the same is permitted to be deposited, the grant of stay would be to the benefit of the Claimants.
6. In light of the above and particularly considering the submission that the funds being made available to the Acquiring Body by the State Government recently, the Interim Application is allowed. The entire decretal amount alongwith the accrued interest to be deposited in the Reference Court within a period of one week from today. Upon the amount being deposited, the Claimants would be at liberty to make an appropriate Application for withdrawal.
7. Interim Application is allowed.
8. The Judgment and Award dated 26th September, 2019 passed by the Reference Court in LAR No.563 of 2010 is stayed subject to the Applicants depositing the entire decretal amount alongwith accrued interest within a period of one week from the date of uploading of this order on the official website of this Court, in the Reference Court.

[Sharmila U. Deshmukh, J.]