



(1)

21-CA-7388-2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 7388 OF 2016
IN FAST/410/2016

Executive Engineer, Maharashtra Jivan Pradhikaran, Parbhani

VERSUS

Venubai Balasaheb Gaikwad And Others

WITH

CIVIL APPLICATION NO. 7389 OF 2016
IN FAST/410/2016

WITH

CIVIL APPLICATION NO. 7387 OF 2016
IN FAST/410/2016

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None for Applicant.

Mr. M. P. Kale, Advocate for Respondent No.1.

Mr. R. B. Dhaware, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th SEPTEMBER 2025.

PC :-

CA/7388/2016

1. None was present in the morning, none present in the afternoon sessions for the appellant.

2. This Court has taken up civil application with the assistance of learned Advocate for respondent. Though the application is opposed by

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the learned Advocate for the respondent, this Court finds that delay is hardly about one year. Considering the reason stated in the application, delay stands condoned. Civil Application is allowed. Office to register the first appeal.

First Appeal and Stay Application

3. Mr. Kale, the learned Advocate for the respondent-claimant submits that though there is no stay granted by this Court in appeal, still the Executing Court is not proceeding with the execution only on the ground that the present appeal is pending. It is seen that the appeal is pending since 2016, and till now, no effective steps are taken to get the matter circulated. Even civil application seeking stay is not pressed for all these years. It is clarified that since there is no stay granted by this Court in the appeal, the trial court is expected to proceed with the execution.

4. After registration of the first appeal, office to place the first appeal before appropriate Court after three weeks.

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[KISHORE C. SANT, J.]