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

**903 CIVIL APPLICATION NO. 10610 OF 2024
IN FAST/27122/2024**

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION WALUJ
MAHANAGAR PRAKALP 1 CIDCO AURANGABAD

VERSUS

BHAGINATH ASARAM SALE AND ANR

WITH

**CIVIL APPLICATION NO. 10609 OF 2024
IN FAST/27122/2024**

Mr.Shambhuraje V. Deshmukh, Advocate for the applicant.

Mr.D.M. Pingale, Advocate for respondent No.1.

Mr.R.B. Dhaware, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 04.10.2025

PC :-

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. Heard. This application is for condonation of delay of 31 days caused in filing appeal by the Acquiring Body.

02. For the reasons stated in the application, the delay is condoned. The application is allowed. Office to register the First Appeal.

CIVIL APPLICATION FOR STAY

01. Heard learned Advocate for the applicant. It is submitted that the Acquisition Proceeding is of 2002. Though references were filed in the year 2002, those were sent to the Court in the year 2017 putting

unnecessary burden of interest on the appellant. It is, however, submitted that the learned Reference Court has enhanced the amount by relying upon judgment in LAR No. 459 of 1998, which is in respect of another proceeding and the said sale-instance could not have been considered for the purpose of deciding present reference.

02. This application is opposed by the learned Advocate for the respondent. However, to balance the equities, following order.

03. There shall be stay to the impugned judgment and award till next date subject to the appellant/applicant depositing 75% of the amount of award along with interest in the office of this court within 16 (sixteen) weeks from today.

04. The appeal be taken up along with appeals filed by the claimants bearing First Appeal No. 4941 of 2025 and First Appeal No. 2502 of 2025.

05. Stand over to 16.02.2026.

[KISHORE C. SANT, J.]