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947 CA 10358 OF 2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 CIVIL APPLICATION NO. 10358 OF 2025
IN FAST/16392/2025
WITH
CIVIL APPLICATION NO. 10359 OF 2025
IN FAST/16392/2025

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION OSMANABAD
AND ORS
VERSUS
AJAY MOHAN SONTAKKE

Mr. R. C. Patil, Advocate for Applicants

CORAM : AJIT B. KADETHANKAR, J.

DATE : 23.09.2025

PER COURT :-

CIVIL APPLICATION NO. 10358 OF 2025 (DELAY)

1. Heard Mr. R. C. Patil, learned counsel for the applicants.
2. Being aggrieved by the judgment and decree dated 06.02.2016, passed by learned Civil Judge, Senior Division, Osmanabad, in L.A.R.No.452 of 2015, the applicants/appellants have preferred present First Appeal.
3. This Civil Application for condonation of delay of 3321 days caused in filing First Appeal.
4. The applicants seek condonation of the delay on the explanation

expressed in the Civil Application.

5. Issue notice to the respondents, returnable on 06.01.2026.

6. The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

CIVIL APPLICATION NO. 10359 OF 2025 (STAY)

1. Being aggrieved by the judgment and decree dated 06.02.2016, passed by learned Civil Judge, Senior Division, Osmanabad, in L.A.R.No.452 of 2015, the applicants/appellants have preferred present First Appeal.

2. The applicants submit that the enhancement granted by the learned Reference Court is highly excessive and does not align with the parameters of enhancement set by various judgments passed by this Court as well as by the Hon'ble Supreme Court. The applicants submit that there are strong hopes of success in the First Appeal. That, during the pendency of the First Appeal, if execution and operation of the impugned judgment and award is not stayed, the very purpose of First Appeal shall stand frustrated.

3. Considering this, execution and operation of the impugned judgment and award is stayed till returnable date on condition that the

appellants/applicants deposit the entire payable decretal/award amount together with interest thereon in this Court within a period of twelve weeks from today. If the amount is not deposited within the given time, stay order stands automatically vacated.

4. Issue notice to the respondents, returnable on 06.01.2026.

5. The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

[AJIT B. KADETHANKAR, J.]

PRW