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933 CA 10607 OF 2025

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

**933 CIVIL APPLICATION NO. 10607 OF 2025
IN FAST/27705/2025**

THE EXECUTIVE ENGINEER LOWER TERNA LEFT CANAL DIVISION NO 2
LATUR

VERSUS

OMPRAKASH CHANDRANATH ARYA AND OTHERS

WITH

**CIVIL APPLICATION NO. 10608 OF 2025
IN FAST/27705/2025**

THE EXECUTIVE ENGINEER LOWER TERNA LEFT CANAL DIVISION NO 2
LATUR

VERSUS

OMPRAKASH CHANDRANATH ARYA AND OTHERS

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Mr. S. G. Bhalerao, Advocate for Applicant
Mr. S. V. Hange, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.09.2025

PER COURT :-

CIVIL APPLICATION NO. 10607 OF 2025 IN FAST/27705/2025 (Delay)

1. Feeling aggrieved with the judgment and order dated 09.09.2024, passed by the learned Reference Court, in LAR No.331 of 2017, the appellant/acquiring body has preferred this First Appeal.

2. This Civil Application is for condonation of delay of 270 days caused in filing the present appeal.

3. Issue notice to the respondents, returnable on 16.01.2026. Learned AGP waives service of notice for respondent nos.3 and 4.

4. The matter be listed after service of notice is complete. In the meantime, applicant/appellant 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. 10608 OF 2025 IN FAST/27705/2025 (Stay)

1. Mr. S. G. Bhalerao, learned counsel for the applicant submits that the enhancement granted by the learned Reference Court is hit by the judgment and order passed by the Hon'ble Supreme Court in case of **State of Haryana vs. Gurucharan Singh reported in AIR 1996 SC 106.**

2. Issue notice to the respondents, returnable on 16.01.2026. Learned AGP waives service of notice for respondent nos.3 and 4.

3. In the meantime, execution and operation of the impugned judgment and award passed by the learned Reference Court is stayed till

returnable date on condition that the appellant/applicant deposits 75% of the total awarded amount together with interest thereon in this Court within a period of twelve weeks from today.

3. The matter be listed after service of notice is complete. In the meantime, applicant/appellant 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