



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4071 OF 2025
IN
FIRST APPEAL (ST.) NO. 28898 OF 2023
[e-filing]

State of Maharashtra

Thr. Executive Engineer and Anr.

... Applicants.

Versus

Makbul Samsuddin Sayyad (Deceased) Thr.

Legal Heirs and Ors

... Respondents.

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

Coram : Sharmila U. Deshmukh, J.

Date : March 19, 2025

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. Interim Application has been preferred by the State of Maharashtra who is the Appellant in the First Appeal seeking condonation of delay in depositing the decretal amount within the time as directed by order of 20th December, 2024 and for stay of the impugned Judgment and Award dated 16th April, 2022.
3. Mr.Patil, learned AGP submits that by order of 20th December, 2024, this Hon'ble Court granted stay to the impugned Judgment and Award subject to deposit of the entire decretal amount alongwith accrued interest on or before 19th February, 2025. He submits that the concerned department of the Government could not deposit the said amount in the Reference Court before 19th February, 2025 and deposited the same only on 28th February, 2025.

He submits that the delay of 8 days is required to be condoned and the impugned Judgment and Award to be stayed considering that the entire amount has been deposited.

4. I have considered the submissions and perused the record.

5. By order of 20th December, 2024, stay was granted subject to deposit on or before 19th February, 2025. Paragraph 4 of the said order clarified that in event, the amount of compensation is not deposited within the said timeline, the stay granted shall stand vacated without further reference to the Court. As the deposit was not made before 19th February, 2025, the stay which was granted by the Court stood vacated. As such the effect of non-deposit was vacating of the stay.

6. Being conscious of the said fact the present Application revives the prayer for stay of the impugned Judgment and Award, which can be considered afresh. The entire decretal amount alongwith accrued interest is stated to have been deposited on 28th February, 2025. The earlier order directed the deposit by 19th February, 2025 and the reason for non deposit within the stated timeline has been explained in the Application. It is after mere eight days delay that the entire decretal amount alongwith accrued interest was deposited. Hence, the delay in depositing the decretal amount is condoned. As the entire decretal amount alongwith accrued interest is deposited, the impugned Judgment and Award dated 16th April, 2022 is stayed.

7. Interim Application is allowed in the above terms.

[Sharmila U. Deshmukh, J.]