



Order below Exh.25 in Arbitration (R.D.)No.1131/2021
[Balaji Vs. The Competent Authority & Anr.]

The application is submitted by the D.H. According to him, the arbitration award which was challenged in the Hon'ble District Court by the National Highway Authority of India bearing registration No.153/2021 was dismissed by the Hon'ble District Court on 27/11/2023. It was filed by the J.D.No.2. There is no appeal preferred or there is no stay to the execution of the award by the Hon'ble Higher Court. Therefore, it is contended that, the amount of compensation awarded may be recovered from J.D.No.2 by issuing recovery warrant against J.D.No.2.

2. Say was called from the J.D.No.2. J.D.No.2 has filed an application through Adv.Shri.S.A.Jondhale and submitted that, the order of the Hon'ble District Court is challenged before the Hon'ble Bombay High Court and he also submitted the E-filing number which is pending for initial approval. Therefore, he submitted that, time may be granted for filing the say on the application.

3. From the perusal of the record, it is seen that the Hon'ble Bombay High Court on 03/11/2023, by passing a common order in Writ Petition Nos.11678 of 2022, 11679 of 2022 and 11680 of 2022 has allowed the Writ Petition and the petitioners (present D.H.) were permitted to withdraw 50% of the enhanced compensation amount awarded by the arbitrator which was deposited in the District Court by furnishing solvent surety in the like amount, undertaking and with a further direction to conclude

the hearing of the applications filed U/Sec.34 of Acquisition Acct and to deliver Judgment within a period of three months from the date of the receipt of the Writ of that order. Accordingly, the Hon'ble District Court, Latur has decided the matter on 27/11/2023. It is that order which is put for execution.

4. From 27/11/2023 onwards the J.Ds. have not approached the Hon'ble Bombay High Court challenging the order of the Hon'ble District Court. The E-filing number submitted by the learned Advocate for the J.D. shows that it is still kept for initial approval. Already there is delay to approach the Hon'ble Bombay High Court, so the application to condone delay to challenge the order of the Hon'ble District Court must be pending before the Hon'ble Bombay High Court.

5. Execution of the order has to be there. As the J.Ds. have approached the Hon'ble Bombay High Court, the last opportunity is granted to the J.Ds. to seek the orders, if any, or else the application shall be deemed to be allowed by this order itself without passing separate order. It is very much made clear that, as on today there is no document to show stay of the Hon'ble High Court but in order to avoid further complexities, the 7 days time is given to the J.Ds.

6. The warrant for attachment shall be issued on the expiry of the seventh day from this order as is prayed, without waiting for further order of this Court.

Sd/-

(S.N.Sarde)

Date:10/07/2024.

Civil Judge Sr. Div., Ahmedpur.