

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**943 CIVIL APPLICATION NO. 4524 OF 2014
IN FA/3177/2015**

**THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
DATTATRAYA VITTHALRAO KAPSE**

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**AGP for Applicants : Mr. A. M. Phule
Advocate for Respondent : Mr. E. S. Murge**

CORAM : A. M. BADAR, J.

DATE : 4th December, 2015

PER COURT :

1. This is an application for stay to the impugned judgment and award passed by the learned Reference Court, enhancing compensation.

2. Heard learned AGP appearing for the State as well as learned counsel appearing for non-applicants.

3. Learned AGP submits that enhancement of compensation from Rs.32,000/- and odd per hectare to Rs.1.85 lakhs per hectare is exorbitant. Similarly, enhancement in respect of other property acquired is also exorbitant and not in tune with the evidence adduced by the parties. As against this, according to the learned counsel appearing for non-applicants, as the

award is money decree, it cannot be stayed.

4. Considering the rival submissions as well as keeping in mind the enhancement awarded by the Reference Court, impugned judgment and award is stayed during the pendency of appeal on condition that applicant deposits the entire amount under the award within 12 weeks from today.

5. Civil Application disposed of accordingly.

(**A. M. BADAR, J.**)

JPC