

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3614 OF 2013
IN
FIRST APPEAL NO.1300 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Akshay P. Shinde for the applicant

None for the respondent

CORAM : K.K.TATED, J.
DATED : 06/07/2015

PC:

1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 The learned counsel for the applicant submits that by letter dated 2.7.2015 he already intimated to the other side that he is moving for interim relief before this court on 6.7.2015. That notice was duly served on Advocate on 3.7.2015. Notice is taken on record and marked 'X' for identification.

3 This application is for stay of the operation and implementation of the impugned judgment and award dated 24/1/2013 passed by Civil Judge, Senior Division Ichalkaranji in Land Ref.No.1 of 2009 by which the Reference Court held that

respondents claimants are entitled to get enhanced compensation @ Rs.350 per sq.mtrs with statutory benefit as per amended provisions of Land Acquisition Act.

4 The learned counsel for the applicant submits that the respondents claimants filed Execution Application. He submits that if the respondents claimants recovers the entire amount in Execution Application, nothing will survive in the present proceeding.

5 The learned counsel for the applicant submits that in the present proceeding, Reference Court erred in coming to the conclusion that the respondents claimants are entitled for additional compensation in respect of acquired land. He submits that the Trial Court failed to appreciate that the Special Land Acquisition Officer after having gone through each and every aspect of the matter, rightly decided compensation in respect of acquired land @ Rs.223 per sq.mt. Hence, they have good chance of success in the present matter.

6 The learned counsel for the applicant submits that applicant is ready and willing to deposit entire awarded amount including interest and cost in the Reference Court within 8 weeks from today.

7 Statement is accepted.

8 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as applicants are

ready and willing to deposit entire awarded amount in the Reference Court, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

(a) Operation and implementation of the judgment and award dated 24.1.2013 passed by Civil Judge, Senior Division, Ichalkaranji in Land Ref.No.1 of 2009 is stayed on the condition that applicant to deposit entire awarded amount in the Reference Court within eight weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

(b) If amount is not deposited within stipulated time as stated hereinabove, respondents claimants are entitled to execute the award according to law.

(c) If amount is deposited within stipulated time as stated hereinabove, liberty granted to the respondents claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

(d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)