FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1458 OF 2009
IN
FIRST APPEAL NO.460 OF 2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A. R. Patil AGP for State.
Mr. Sumit Kothari i/b. Nitin Mulye for Respondent No.1.

CORAM : K. K. TATED, J.
DATE : MAY 8, 2015

P.C.:

1. Mentioned. Not on board. At the request of the learned AGP, taken on board for urgent orders.

2. This Application is for stay of the operation and implementation of the impugned judgment and award dated 10/07/2000 passed in LAR No.241/1987. The learned AGP submits that the Reference court has awarded enhanced compensation in favour of Respondent-Claimant without considering the sale instances on record. He submits that the Applicant has good chance of success in the matter. In the interest of justice, this Hon'ble Court be pleased to stay the impugned judgment and award. He submits that they have

already deposited the entire awarded amount on 17/02/2015 in the Reference Court. He submits that if amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings.

3. Considering the submission made by the learned counsel for the Applicant and the averments made in the Civil Application, I am of the opinion that the Applicant has made out a case for allowing the Civil Application. At the same time, the Respondent-Claimant is entitled to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on merits.

4. Hence, the following order.

a. The operation and implementation of the impugned judgment and award dated 10/07/2000 passed in LAR No.241/1987 is stayed till hearing and final disposal of the First Appeal.

b. The Respondent-Claimant is entitled to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on merits.

c. The Tribunal is directed to invest the amount in fixed deposit account of any Nationalized Bank, initially for a period of 1 years, which shall be renewed from time to time, till hearing and final disposal of the present appeal.

d. Civil Application stands disposed of accordingly.

JUDGE