

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

CIVIL APPLICATION NO.1075 OF 2015
IN
FIRST APPEAL (ST) NO.34666 OF 2014

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. V. S. Todke for the Applicant
Mr. A. R. Patil, AGP for State.

CORAM : K. K. TATED, J.
DATE : MARCH 12, 2015

P.C.:

1. Heard. This Application is preferred by the Acquiring Body for stay of the operation and implementation of the impugned judgment and award dated 30/04/2014 passed by the Reference Court in LAR No.31/2007 holding that the Respondents claimants are entitled to enhanced compensation of Rs.2,59,210/- for the acquired land admeasuring 1H 61R from Gut No.675 situated at village Sangawade, tq. Karveer, Dist. Kolhapur.

2. The learned counsel for the Applicant submits that the Respondent-Claimants filed Execution Application for recovery of decretal amount. He submits that if the entire amount is

recovered by the Respondent-Claimants in Execution Application, nothing will survive in the present proceedings. He submits that the Applicant has good chance of success in the present matter. He submits that the Reference Court, without considering the sale deeds on record, held that the Respondent-Claimants are entitled to enhanced compensation in respect of the acquired land. The learned counsel for the Applicant further submits that the Acquiring Body is ready and willing to deposit the entire decretal amount in the Reference Court within 8 weeks from today. Statement is accepted.

3. Considering the submissions made by the learned counsel for the Applicant and since the Acquiring Body is ready and willing to deposit the entire decretal amount along with interest and costs in the Reference Court within 8 weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. As this order is being passed without hearing the Respondent, liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

5. Hence, the following order:

A) The operation and implementation of the impugned judgment and award dated 30/04/2014 passed by the Reference Court in LAR No.31/2007 is stayed subject to the Applicant depositing the entire decretal amount along with interest and cost, if any, in the Reference Court within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

B) If the Applicant fails to deposit the amount within stipulated time as stated hereinabove, the Respondent-Claimants are entitled to execute the award as per law.

C) If the Applicant deposits the decretal amount as stated hereinabove, the Reference Court is directed to invest the same in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders.

D) As this order is being passed without hearing the Respondent, liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

E) Civil Application stands disposed off accordingly.

JUDGE