

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

CIVIL APPLICATION NO.4335 OF 2013
IN
FIRST APPEAL (ST) NO.4060 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. V. S. Tadke i/b. D. D. Shinde for the Applicant
Mr. A. R. Patil, AGP for the Respondent.

CORAM : K. K. TATED, J.
DATE : APRIL 24, 2015

P.C.:

1. Heard. This Application is preferred by acquiring body for stay of the operation and implementation of the impugned judgment and award dated 20/02/2011 passed by the Reference Court in LAR No.57/2000 awarding enhanced compensation of Rs. 2,50,000/-.

2. The learned counsel for the Applicant submits that if entire amount is recovered by the Respondent-Claimant by preferring Execution Application, then nothing will survive in the present proceedings. He submits that the Applicant has good chance of success in the present matter. The Reference Court has not considered

the relevant sale instances at the time of determining the market value of acquired property. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the First Appeal.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application and after going through the impugned judgment and award, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant has to deposit the entire decretal amount including interest and cost in the Reference Court within 8 weeks from today.

4. As this order is being passed without issuing notice to the Respondent-Claimant, 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 20/02/2011

passed by the Reference Court in LAR No.57/2000 is stayed till hearing and final disposal of the First Appeal, subject to the Applicant depositing entire decretal amount including interest and cost 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 amount is not deposited within stipulated time as stated hereinabove, the Respondent-Claimant is entitled to execute the impugned award as per law.

c) If the amount is deposited within stipulated time as stated hereinabove, 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.

d) If amount is deposited within stipulated time 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 hearing and final disposal of the appeal.

e) Civil Application stands disposed off accordingly.

JUDGE