

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

**CIVIL APPLICATION NO. 2002 OF 2014
IN
FIRST APPEAL NO. 671 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. A.R. Patil, AGP for the Applicant State.
Mr. S. S. Punde for the respondents.

**CORAM : K. K. TATED, J.
DATED : 23/03/2015.**

PC.:

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

2 The learned AGP for the applicant submits that respondents-claimants filed Execution Application no. 43 of 2014. He submits that if entire amount is recovered by the respondents-claimants in Execution Application, nothing will survive in the present proceeding. Hence, there is the urgency.

3 This Application is preferred by State of Maharashtra for stay of operation and implementation of impugned Judgment and Award dated 29.10.2013 passed by the Reference Court in L.A.R. No. 59 of 1995 awarding enhanced

compensation in respect of acquired land.

4 The learned AGP submits that the Trial Court has not considered all records as well as sale deeds on record and erred in coming to the conclusion that respondents-claimants are entitled to enhance compensation in respect of acquired land. He submits that they have good chance of success in the present matter. He further submits that if stay is not granted, irreparable loss and injury will be caused to the applicant.

5 The learned Counsel for the respondents-claimants vehemently opposed the present Civil Application. He submits that this Hon'ble Court be pleased to direct the applicant to deposit the entire decretal amount in Trial Court with liberty to the claimants prefer appropriate application for withdrawal of amount.

6 Considering the submissions made by the learned AGP and reasons given by the Reference Court at the time of deciding the reference application, I am satisfied that applicant has made out case for allowing the Civil Application.

7 Hence, the following order.

a) The operation and implementation of Judgment and Award dated 29.10.2013 passed by the Reference Court in L.A.R. No. 59 of 1995 is stayed on condition that applicant to deposit entire

decretal amount including interest and costs, if any in Reference Court within 8 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 herein above, the respondents-claimants are free to execute the Execution Application on its own merits.

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

d) If amount is deposited within stipulated time as stated herein above, Reference Court is directed to invest the amount in Fixed Deposits of any nationalised Bank initially for the period of one year and same to be continued till the hearing and final disposal of the first appeal.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)