

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

CAF 1668/2015 IN FAST 11259/2015
CAF 1670/2015 IN FAST 11266/2015
CAF 1672/2015 IN FAST 11273/2015
CAF 1674/2015 IN FAST 11277/2015
CAF 1676/2015 IN FAST 11280/2015
CAF 1678/2015 IN FAST 11285/2015
CAF 1680/2015 IN FAST 11290/2015
CAF 1682/2015 IN FAST 11295/2015
CAF 1684/2015 IN FAST 11299/2015
CAF 1686/2015 IN FAST 11303/2015
CAF 1688/2015 IN FAST 11307/2015
CAF 1690/2015 IN FAST 11313/2015
CAF 1692/2015 IN FAST 11317/2015
CAF 1694/2015 IN FAST 11321/2015

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 for State.

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

P.C.:

1. Mentioned. Not on board. At the request of the learned counsel for the Applicant, matters are taken on board for urgent orders.
2. These Applications are for stay of the operation and implementation of the impugned

judgment and award passed by Reference Court awarding additional compensation to the Respondent-Claimant.

3. The learned counsel for the Applicant submits that the Respondent-Claimant filed Execution Application. If entire amount is recovered by the Respondent-Claimant in Execution Application, nothing will survive in the present proceedings.

4. The learned counsel for the Applicant submits that the SLO issued Notification under section 4 of the Land Acquisition Act 1894 on 11/09/1997 for acquiring the Respondent-Claimant's house property for Bhama Askhed Project. He submits that after following due process of law the SLO declared award under section 11 of the Land Acquisition Act, 1894 on 15/03/2000.

5. Being aggrieved by the said award, the Respondent-Claimant preferred Reference Application under section 18 of the said Act. He submits that in the said reference, the Reference Court, considering the earlier judgment in LAR No.383/1993 awarded the double the market value

of the house property fixed by the SLO. He submits that the Reference Court has not considered the sale instances on record and earlier judgments in LARs. The Reference Court failed to appreciate that the Respondent-Claimant failed to bring on record the cogent evidence and held that Respondent-Claimant is entitled to enhanced compensation. He submits that the Applicant has good chance of success in the matter. He submits that Applicants are ready and willing to deposit the entire awarded amount in the Reference Court within 10 weeks from today.

6. 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 Applications. At the same time, since this order is being passed without issuing any notice to the Respondent-Claimant, the Respondent-Claimant is entitled to file an appropriate Application for withdrawal of the awarded amount, if they so desire, which will be decided on merits.

7. Hence, the following order:

a. The operation and implementation of the impugned judgment and award passed by the

Reference Court in LARs is stayed, subject to the Applicant depositing the entire awarded amount with interest, costs, if any, within 10 weeks from today, failing which the Civil Applications shall stand dismissed without further reference to the court.

b. If the amount is not deposited within stipulated time as stated hereinabove, the Respondent-Claimants will be entitled to execute the award as per law.

c. If the amount is deposited within stipulated time as stated hereinabove, the Respondent-Claimants are entitled to file an appropriate Application for withdrawal of the awarded amount, if they so desire, which will be decided on merits.

d. The Reference Court 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.

e. Civil Applications stand disposed of accordingly.

JUDGE