

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3613 OF 2013
IN
FIRST APPEAL NO.1298 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.Akshay P. Shinde for the applicant

CORAM : K.K.TATED, J.
DATED : 06/07/2015

PC:

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

2 This application is preferred by acquiring body for stay of the operation and implementation of the impugned judgment and award dated 18.1.2013 passed by Civil Judge, Senior Division Ichalkaranji in Land Ref. No.6/2005 (Old L.R.No.11/1999) by which the Reference Court held that respondents claimants are entitled to get enhanced compensation @ Rs.175 per sq.mtrs with statutory benefit as per amended provisions of Land Acquisition Act.

3 The learned counsel for the applicant submits that the respondents claimants filed Darkhast Application No.5 of 2014 for recovery of awarded

amount. He submits that if the respondents claimants recovered the entire amount in Execution Application then nothing will survive in the present proceeding. He submits that they have good chance of success in the present proceeding. He submits that the Reference Court erred in coming to the conclusion that the respondents claimants are entitled additional compensation in respect of acquired land. He submits that the Reference Court has not considered relevant sale deeds on record at the time of fixing the market value of the acquired property. Hence, they have good chance of success in the present matter.

4 The learned counsel for the applicant submits that applicants are ready and willing to deposit entire awarded amount including interest and cost in the reference court within 8 weeks from today.

5 Statement is accepted.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as applicants are ready and willing to deposit entire awarded amount in the Reference Court, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

(a) Operation and implementation of the judgment and award dated 18.1.2013 passed by Civil Judge, Senior Division, Ichalkaranji in Land

Ref. No.6/2005 (Old L.R.No.11/1999) is stayed on the condition that applicant to deposit entire awarded amount in the Reference Court within eight 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 hereinabove, respondents claimants are entitled to execute the award according to law.

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

(d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)