

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

***CIVIL APPLICATION NO. 222 OF 2015
IN
FIRST APPEAL (ST) NO. 18108 OF 2014***

The Executive Engineer

... Applicant

v/s

Kum.Mukund Vijay Kadam (minor)

Through Guardian Mother

Mrs.Nirmala Vijay Kadam

... Respondent

ALONG WITH

CIVIL APPLN. NOS. 224/2015 IN FAst No.18114/2014

AND

CIVIL APPLN. NOS. 226/2015 IN FAst No.18338/2014

AND

CIVIL APPLN. NOS. 228/2015 IN FAst No.18341/2014

AND

CIVIL APPLN. NOS. 230/2015 IN FAst No.18359/2014

AND

CIVIL APPLN. NOS. 232/2015 IN FAst No.18080/2014

AND

CIVIL APPLN. NOS. 234/2015 IN FAst No.18378/2014

AND

CIVIL APPLN. NOS. 236/2015 IN FAst No.18384/2014

AND

CIVIL APPLN. NOS. 238/2015 IN FAst No.18091/2014

AND

CIVIL APPLN. NOS. 240/2015 IN FAst No.18101/2014

AND

CIVIL APPLN. NOS. 242/2015 IN FAst No.18054/2014

AND

CIVIL APPLN. NOS. 244/2015 IN FAst No.18070/2014

Mrs.Bhavna Khemani for the applicants in all applications.

Mr.A.R. Patil, A.G.P for the State – Resp. No.2 in all applications.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

P.C.:

Not on board. At the request of learned counsel Mrs. Khemani, appearing for the applicant, matters are taken on board for urgent orders.

2 Learned counsel for the applicant submits that if the entire decretal amount is recovered by the claimants in execution application, nothing will survive in the present proceeding. Hence, she has mentioned the matter for urgent orders.

3 This application is preferred by the acquiring body for stay of the operation and implementation of judgment and award dated 3 April 2012 passed by the Reference Court in Land Acquisition References awarding enhanced compensation in respect of acquired land.

4 Considering the submissions made by learned counsel for the applicant and the averments made in the civil application, I am satisfied that the applicant has made out a case for ad-interim relief till the next date.

5 Hence, following order is passed :-

O R D E R

- (a) Rule.
- (b) Rule made returnable after eight weeks.
- (c) Operation and implementation of judgment and award dated 3 April 2012 passed by the Reference Court in Land Reference Applications is stayed till the next date, on condition that applicant to deposit the entire awarded compensation including the cost and interest, if any, in Reference Court, within six weeks from today, failing which the ad-interim relief shall stand vacated without referring back to the Court.
- (d) In addition to usual mode of service, the applicant is permitted to serve the respondents by private notice either by R.P.A.D. or hand delivery and file an affidavit of service to that effect.
- (e) Bhatta charges to be paid within the stipulated period as stated above. If Bhatta charges are not paid within the stipulated period as stated above, the civil applications shall stand dismissed without referring back to the Court.

- (f) Learned A.G.P. waives service for Respondent No.2 State of Maharashtra.
- (g) Stand over for eight weeks.

(K.K.TATED, J.)