

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

CIVIL APPLICATION NO.3962/2014

IN

FIRST APPEAL NO.1338/2014

AND

CIVIL APPLICATION NO.3963/2014

IN

FIRST APPEAL NO.1339/2014

AND

CIVIL APPLICATION NO.3969/2014

IN

FIRST APPEAL NO.1340/2014

AND

CIVIL APPLICATION NO.3972/2014

IN

FIRST APPEAL NO.1341/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vijay D. Patil for the Applicant
Mr. R. V. Bansode for the Respondent No.1.
Mr. A. R. Patil, AGPR for Respondent No.2.

CORAM : K. K. TATED, J.

DATE : AUGUST 5, 2015

P.C.:

1. Heard. These Applications are preferred by the acquiring body for stay of the operation and implementation of the impugned award dated 06/06/2014 passed by the Civil Judge, Senior Division, Waduj, Dist. Satara in respective LARs.

2. The learned counsel for the Applicant submits that the initially the Land Acquisition Officer awarded compensation in the sum of Rs.28,000/- to Rs.32,000/- per hector. Same was enhanced by the Reference Court at Rs.1,75,000/- per hector. He submits that the Reference Court erred in coming to the conclusion that the Respondent-Claimant are entitled to compensation in respect of the acquired land @ Rs.1,75,000/-. He submits that the Applicant has good chance of success in the matter. 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 passed by the Tribunal till hearing and final disposal of the appeal. If stay is not granted irreparable loss and injury will be caused to the Applicant.

3. On the other hand, the learned counsel for the Respondent-Claimant vehemently opposed the Civil Application. He submits that the Applicant acquired their land in the year 1994. He submits that the Reference Court, after considering the evidence on record and sale instances, rightly held that the claimants are entitled to compensation of Rs.1,75,000/- per hector. He submits that the Applicant has not made out any case for stay of the impugned award.

4. It is to be noted that in the present proceedings, initially the S.L.O. has awarded compensation in respect of the acquired land between Rs.28,000/- to Rs.32,000/- per hector. Considering the evidence on record, the Reference Court has awarded compensation of Rs.1,75,000/- which is on higher side. In any case, since this is a money decree, the Applicant has to deposit the entire awarded amount within 4 months from today.

5. Considering the submissions made by the learned counsel for the Applicant following order is passed:

a. The operation and implementation of the impugned award dated 06/06/2014 passed by the Civil Judge, Senior Division, Waduj, Dist. Satara is stayed, subject to the Applicant depositing the entire award amount in the Reference Court within 4 months from today, failing which the Civil Applications shall stand dismissed without further reference to the court.

b. If amount is not deposited within stipulated time as stated hereinabove the Respondent-Claimants are entitled to proceed with Execution proceedings as per law.

c. If amount is deposited within stipulated time as stated herein above, 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. The Reference Court is directed to invest the award amount in a fixed deposit account of any Nationalized bank, initially for a period of one and half 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