

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

**CIVIL APPLICATION NO.466 OF 2014
IN
FIRST APPEAL (ST) NO.29165 OF 2013
WITH
CIVIL APPLICATION NO.492 OF 2014
IN
FIRST APPEAL (ST) NO.29166 OF 2013**

The Executive Engineer
Palkhed Dam Division, Nasik

.. Applicant

vs.

The State of Maharashtra and Ors.

.. Respondents

Ms.Bhavana Khemani for the applicant

Mr.A.R.Patil, A.G.P. for the respondent no.1

Mrs.Kinnari Hingole h/f Mr.Sandip Shinde for respondent no.2 in
First Appeal (ST). No.29166 of 2013

**CORAM : K.K.TATED, J.
DATED : 29TH JANUARY, 2015**

PC:

1 Heard the learned counsel for the parties.

2 These two Civil Applications are preferred by acquiring
body for stay of the operation and implementation of the

implementation of the common judgment and award dated 13.01.2011 passed by Reference Court in LAR No.22 of 2006 and 23 of 2006.

3 The learned counsel for the applicant submits that the Reference Court has not considered the relevant sale deed on record at the time of awarding enhanced compensation in respect of acquired land. She further submits that applicant has good chance of success in the present matter. She submits that if entire amount is recovered by the respondent in Execution Application, nothing will survive in the two First Appeals. Hence, in the interest of Justice this Honourable Court be pleased to stay the operation and implementation of the impugned Judgment and Award passed by the Reference Court. It is to be noted that in the present proceeding the Reference Court passed money decree. In any case, applicant has to deposit entire decretal amount in the Reference Court.

4 As this order is passed without giving notice to the respondent, liberty granted to the applicant to take out appropriate application for withdrawal of the amount and that application be decided on its own merits. Hence, following order:

a Operation and implementation of common judgment and award dt.13.01.2011 passed by Reference Court in LAR No.22 of 2006 and 23 of 2006 is stayed on the condition that applicant to deposit entire decretal amount along with interest and cost if any in Reference Court within 8 weeks from today failing which both the Civil Applications shall stand dismissed without

referring back to the court.

b Liberty granted to the respondents claimants to prefer appropriate application if they so desire for withdrawal of the amount and that application be decided on its own merits.

c Both the Civil Applications are disposed of accordingly.

(K.K.TATED, J.)