

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

CIVIL APPLICATION NO.1680 OF 2013
IN
FIRST APPEAL NO.918 OF 2014

State of Maharashtra .. Applicant
V/s.
Kashinath Shankar Nanware ...Respondent

Mr. A. R. Patil, AGP for State.
Mr. Samir Kumbhakoni for the Respondent.

CORAM: K.K. TATED, J.
DATED : JANUARY 14, 2015

P.C. :

1. Heard the learned AGP for the Appellant and the learned counsel for the Respondent.
2. This Application is preferred by the State of Maharashtra for stay of the operation and implementation of the impugned judgment and award dated 31/03/2010 passed by the Reference Court in LAR No.476/2002. The learned AGP submits that the Reference Court, without considering the evidence on record awarded additional compensation of Rs.24,920/- to the Respondent original claimants. He submits that the Appellants have good chance of success in the present matter.
3. The learned counsel for the original Respondent claimant vehemently opposed the present Civil Application. He submits that the appellate court has fixed market value of the acquired land on the basis of earlier judgment in LAR No.352/2002. Hence, there is no question of grant of any interim relief in favour of the Applicant.

4. Considering the submissions made by the learned AGP for the Applicant and paragraph 24 of the impugned judgment, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant has to deposit the entire decretal amount along with interest and cost, if any, in the Reference Court.

5. Liberty granted to the Respondent original claimant to prefer an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits. Hence, the following order:

A) The Civil Application is allowed in terms of prayer clause (b), subject to the Applicant depositing entire decretal amount along with interest and costs, in the Reference Court within 12 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

“(b) This Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 31.03.2010 passed by the Reference Court in LAR No.476/2002 till the hearing and final disposal of the above mentioned First Appeal.”

B) Liberty granted to the Respondent original claimant to prefer an appropriate Application for withdrawal of the amount within six weeks from the date of deposit of compensation by the Applicant in the Trial Court, if they so desire, which will be decided on its own merits.

C) If such Application is not filed within stipulated time as stated hereinabove, the Reference Court is directed to invest the entire amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders from this court.

D) Civil Application stands disposed off accordingly.

(K.K. TATED, J.)