

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO. 928 OF 2012 IN FIRST APPEAL NO. 283 OF 2012.
Maharashtra Jeevan Pradhikaran .vs. Smt. Sushilaben wd/o Shri Shanabhai
Patel & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. B.D. Pandit, Advocate for applicant,
Mr. S.P. Dharmadhikari, Senior Counsel with Mr. M.P.
Khajanchi, Advocate for respondent nos. 1 to 4.

CORAM : B.R. GAVAI & INDIRA K. JAIN, JJ.

DATED : JUNE 9, 2015.

This is an application for stay to execution of the impugned award.

We have perused the judgment passed by the learned Reference Court. The learned Reference Court has given elaborate reasoning while passing the awards. It has been observed by the learned Reference Court that the land is in the heart of city and having non-agricultural (N.A.) potential. It is further to be noted that the advance possession of the land was given to the appellant by the respondents even prior to issuance of notification under Section 4 of Land Acquisition Act. The rate at which the compensation is awarded by the learned Reference Court works out to around Rs.70/- per square feet.

In so far as the interest of the appellant is concerned, the same can be secured by imposing certain conditions on the respondents/claimants.

It is further to be noted that in an appeal being First

Appeal No. 296/12 this Court while admitting the appeal and considering application for stay has passed an order of directing 100% of the amount to be deposited in this Court and permitting the same to be withdrawn by the claimant. It is informed at the Bar that the land which is subject matter of First Appeal No. 296/12 is adjacent to the land which is subject matter of this matter.

The application for stay is, therefore, allowed subject to appellant depositing the entire amount within a period of four weeks from today. On the amount being deposited, the claimants are permitted to withdraw the amount on their furnishing solvent surety to the satisfaction of the Registrar (Judicial). The respondents shall also file an undertaking to this Court that in the event they are required to refund any amount at the stage of disposal of appeal, they shall do so within a period of eight weeks from today.

Judge

Judge

J.