

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

**CIVIL APPLICATION NO. 4232 OF 2014
IN
FIRST APPEAL NO. 1449 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.R. Patil, AGP for the applicant/State.

**CORAM : K. K. TATED, J.
DATED : 13/01/2016**

PC.:

. Heard learned AGP for the Applicant/State.

2 This application is preferred by the State of Maharashtra for stay of operation and implementation of the Judgment and Award dated 21.10.2013 passed by Civil Judge, Senior Division, Sindhudurg in L.A.R. 35 of 2003 (old L.A.R. No. 20/2002) by which the Reference Court awarded additional compensation of Rs.35,903/- to the respondents-claimants in respect of acquired land.

3 The learned AGP for the applicant submits that Reference Court erred in coming to the conclusion that the respondents-claimants are entitled to additional compensation. He submits that they have good chance of success in the present matter. He submits that the Reference Court has not

considered properly the relevant sales instances at the time of fixing the market value of the acquired land. He submits that if stay is not granted, irreparable loss will be caused to the applicant. If entire awarded amount is recovered by the respondents-claimants, then nothing will survive in the present proceeding. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of impugned Judgment and Award passed by the Tribunal till the hearing and final disposal of the First Appeal.

4 Considering the submissions made by the learned AGP and averments made in Civil Application, I am of the opinion that applicant has made out case for allowing the Civil Application. But at the same time, this being a money decree, Applicant has to deposit the entire awarded amount in Reference Court.

5 Hence, the following order.

a) Operation and implementation of the impugned Judgment and Award dated 21.10.2013 passed by the Civil Judge, Senior Division, Sindhudurg in L.A.R. 35 of 2003 (old L.A.R. No. 20/2002), is stayed till the hearing and final disposal of the First Appeal on condition that Applicant to deposit the entire awarded amount including interest and cost in the Reference Court

within 12 weeks from today, failing which civil application shall stand dismissed without referring back to the court.

b) If amount is not deposited within stipulated time as stated herein above, the respondents-claimants are free to execute the Award according to law.

c) If amount is deposited within stipulated time as stated herein above, the Tribunal is directed to invest the entire amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

d) Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)