

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

**CIVIL APPLICATION NO.3592 OF 2014
IN
FIRST APPEAL (ST) NO.6209 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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Ms.Bhavana Khemani for the applicant

Mr.Sham Walve for the respondent nos.2C, 2E and 3

Mr.A.R.Patil, A.G.P. for the State

CORAM : K.K.TATED, J.

DATED : 19/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by acquiring body for stay of the operation and implementation of the judgment and award dated 10.5.2013 passed by learned 3rd Joint Civil Judge, Senior Division Nashik in LAR No.224 of 2002.
- 3 The learned counsel for the applicant submits that they already deposited entire awarded amount in the Trial Court. Statement is accepted.
- 4 The learned counsel for the applicant submits that in the interest of Justice, this Hon'ble Court be

pleased to stay the operation and implementation of the judgment and award dated 10.5.2013 passed by Reference court in L.A.R.NO.224 of 2002 till the hearing and final disposal of the First Appeal. She submits that they have good chance of success in the present matter. She submits that if entire amount is withdrawn by the claimant, then nothing will survive in the present proceeding.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, liberty granted to the respondent claimant to prefer appropriate application if they so desire, for withdrawal of the amount and that application be decided on its own merits. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) During the pendency of the above First Appeal be pleased to stay the effect, execution, implementation and operation of the impugned judgment and award dated 10.5.2013 passed by the Ld.3rd Joint Civil Judge, Senior Division, Nashik at Nashik in Land Reference Application No.224 of 2002.”

B. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

C. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits

D. Civil application stands disposed off accordingly.

(K.K.TATED, J.)