

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

CIVIL APPLICATION NO.4370/2014
IN
FIRST APPEAL NO. 1507/2014

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. V. S. Tadake i/b. D. D. Shinde for the applicant
Mr. A. R. Patil, AGP for the Respondent Nos.5 and 6.

CORAM : K. K. TATED, J.

DATE : FEBRUARY 15, 2016

RC.:

1. Heard. This application is made by the Insurance Company for stay of the operation and implementation of the impugned award dated 31/08/2012 passed by the Reference Court in LAR No.275/2000 holding that the respondent-claimants are entitled to additional compensation of Rs.1,59,277/- for acquired land.

2. The learned counsel for the applicant submits that in the present proceedings the SLO issued Notification u/s. 4 of the Land Acquisition Act, 1894 on 30/05/1996 for acquiring the respondent original claimant's land for submergence of Neera Deoghar Dam Project. After

following due process of law, the S.L.O. passed award on 15/05/1999. He submits that being aggrieved by the said award, the respondent-claimant filed Reference u/s. 18 of the said Act for additional compensation. He submits that the Reference Court, without considering the relevant sale instances placed on record, held that the respondent-claimant are entitled to additional compensation in respect of the acquired land. He submits that the compensation awarded by the Reference Court is on higher side.

3. The learned counsel for the applicant submits that if entire awarded amount is recovered by the claimant in execution proceedings, it would be very difficult for them to recover the same and nothing will survive in the matter. He submits that the applicant has good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award till hearing and final disposal of the appeal.

4. Considering the submissions made by the learned counsel for the applicant and the averments made in the civil application, I am of the opinion that the applicant has made out a case for

allowing the civil application. At the same time, this being money decree, the applicant has to deposit the entire awarded amount with interest and cost, within 10 weeks from today, failing which the civil application shall stand dismissed, without further reference to the court.

5. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 31/08/2012 passed by the Reference Court in LAR No.275/2000 is stayed, till hearing and final disposal of the appeal on condition that the Applicant acquiring body to deposit the entire awarded amount with interest, cost, if any, in the Reference Court within 10 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondents are entitled to execute the award as per law.

c. If the entire awarded amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest the entire 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.

d. If the entire awarded amount is deposited within stipulated time as stated hereinabove, liberty granted to the Respondent claimants to make an appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits

e. Civil application stands disposed off accordingly.

JUDGE