

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

**CIVIL APPLICATION NO. 4124 OF 2014
IN
FIRST APPEAL NO. 1425 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 24.01.2013 passed by 2nd Joint Civil Judge, Senior Division, Thane in L.A.R. 68 of 2011 (old L.A.R. No. 07 of 2000) awarding additional compensation of Rs.1,08,883/- alongwith statutory benefits under amended provisions of the Land Acquisition Act to the respondents-claimants.

3 The learned AGP for the applicant 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.

4 Considering the submissions made by the learned AGP, averments made in Civil Application and as Reference Court awarded enhanced compensation for acquired land, 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 with interest within 12 weeks from today.

5 Hence, the following order.

a) Operation and implementation of the impugned Judgment and Award dated 24.01.2013 passed by 2nd Joint Civil Judge, Senior Division, Thane in L.A.R. 68 of 2011, 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.)