

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

CIVIL APPLICATION NO.3886/2015
IN
FIRST APPEAL (ST) NO. 36136/2012
WITH
CIVIL APPLICATION NO.3888/2015
IN
FIRST APPEAL (ST) NO. 36146/2012
WITH
CIVIL APPLICATION NO.3890/2015
IN
FIRST APPEAL (ST) NO. 36153/2012
WITH
CIVIL APPLICATION NO.3892/2015
IN
FIRST APPEAL (ST) NO. 36106/2012
WITH
CIVIL APPLICATION NO.3894/2015
IN
FIRST APPEAL (ST) NO. 36171/2012
WITH
CIVIL APPLICATION NO.3896/2015
IN
FIRST APPEAL (ST) NO. 36177/2012
WITH
CIVIL APPLICATION NO.3898/2015
IN
FIRST APPEAL (ST) NO. 36182/2012
WITH
CIVIL APPLICATION NO.3900/2015
IN
FIRST APPEAL (ST) NO. 36186/2012
WITH
CIVIL APPLICATION NO.3902/2015
IN
FIRST APPEAL (ST) NO. 36189/2012
WITH
CIVIL APPLICATION NO.3904/2015

IN
FIRST APPEAL (ST) NO. 36193/2012
WITH
CIVIL APPLICATION NO.3906/2015
IN
FIRST APPEAL (ST) NO. 36196/2012

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 R. Khemani for the applicant
Mr. A. R. Patil, AGP for respondent State.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 2, 2016

P.C.:

1. Heard. These applications are made by the acquiring body for stay of the operation and implementation of the impugned award dated 05/11/2011 passed by the Reference Court Nasik in LARs.
2. The learned counsel for the applicant makes a statement that she received instructions from the acquiring body that they are ready and willing to deposit the entire awarded amount in the Tribunal within 12 weeks from today. Statement is accepted.
3. The learned counsel for the applicant submits that the Reference Court has awarded enhanced compensation in respect of the acquired

land. The learned counsel for the applicant submits that if entire awarded amount is recovered by the claimant, nothing will survive in the matters. She submits that the applicant has good chance of success in the matter. She 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 applications, I am of the opinion that the applicant has made out a case for allowing the civil applications.

5. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 05/11/2011 passed by the Reference Court Nasik in respective LARs is stayed, till hearing and final disposal of the appeals on condition that the Applicant acquiring body to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 12 weeks from today, failing which the Civil Applications 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