

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.1252 OF 2017
IN
FIRST APPEAL (STAMP) NO.4012 OF 2017
WITH
CIVIL APPLICATION NO.1253 OF 2017
IN
FIRST APPEAL (STAMP) NO.4012 OF 2017**

The State of Maharashtra
Through The Special Land Acquisition Officer ...Applicant/Appellant
vs.

Shri Ganpat Bala Bhoir (Deceased)
Through his legal heirs
Smt. Saraswati Ganpat Bhoir & Ors. ...Respondents

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Mr. Ameet Palkar, AGP, for the Applicant/Appellant.

Mr. Drupad S. Patil, for Respondent Nos. 2 to 11.

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CORAM : S.C. GUPTE, J.

DATED : 2 MAY 2017

P.C. :

. Mentioned at 3.00 p.m.

2. Heard learned Counsel for the parties.

3. Civil Application No.1252 of 2017 is for condonation of a delay of 93 days in filing the First Appeal. For the reasons stated in the Civil Application, the same is allowed by condoning the delay. Office shall now number the First Appeal.

4. The First Appeal challenges an order passed by the Reference Court in a Land Acquisition matter. The appeal is admitted. Printing of paper book is dispensed with. The Appellant shall file a private paper book consisting of papers and proceedings before the Court below within a period of six months from today.

5. Civil Application No.1253 of 2017 is for stay of execution of the impugned order passed by the Reference Court. By the impugned order, the Reference Court has accepted the LAR partly and awarded a sum of Rs.99,89,432/- to the Original Claimants, who are Respondents to the present First Appeal. Stay of execution is sought by the Appellant State against deposit of the entire compensation amount awarded in the impugned judgment and award of the Reference Court. The Civil Application is disposed of in terms of the following order:-

(i) There will be interim relief in terms of prayer clause (b) of the Civil Application, subject to the Appellant depositing the entire compensation amount in terms of the impugned judgment and award dated 1 March 2016 with the Reference Court within a period of twelve weeks from today.

(ii) If the amount is not deposited within the stipulated time, this stay shall stand vacated without further reference to the Court.

(iii) It will be open to the Original Claimants to withdraw the amount deposited by the Applicant/Appellant against furnishing of an

adequate security to the satisfaction of the Reference Court.

(iv) Before accepting the security, the Reference Court shall hear the Applicant/Appellant herein.

(S.C. GUPTE, J.)