

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3293 OF 2016
IN
FIRST APPEAL (STAMP) NO.12944 OF 2016
WITH
CIVIL APPLICATION NO.3294 OF 2016
IN
FIRST APPEAL (STAMP) NO.12944 OF 2016**

The State of Maharashtra
Through The Special Land Acquisition Officer ...Applicant/Appellant
vs.
Smt. Sakhibai Padya Bhoir (Deceased)
Through her legal heirs
Shri Dhanaji Padya Bhoir & Ors. ...Respondents

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

Mr. S.A. Ghaisas, for Respondent No. 1 to 6.

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CORAM : S.C. GUPTE, J.

DATED : 2 MAY 2017

P.C. :

. Heard learned Counsel for the parties.

2. Civil Application No.3293 of 2016 is for condonation of a delay of 90 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.

3. 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.

4. Civil Application No.3294 of 2016 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.64,67,634/- 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 20 October 2015 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.)