

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

**CIVIL APPLICATION NO.781 OF 2018
IN
FIRST APPEAL NO.1181 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.Murlidhar L. Patil for the Applicant

Mr.Ameet Palkar, A.G.P For the Respondent no.14

Mr.Sanskar Marathe i/b Mr.Sachin Gite for the Respondent nos.2 to 8 and 11 to 13

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : FEBRUARY 24, 2018

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred by acquiring body for stay of the operation and implementation of the impugned judgment and award dated 1.11.2012 passed by 3rd Joint Civil Judge, Senior Division, Nashik in L.A.R.No.192 of 2002 by which the Reference Court held that Respondents Claimants are entitled enhanced compensation of Rs.71,20,065/- with interest for acquired land.
3. The learned counsel for the Applicant

submits that Respondents Claimants filed Execution Application. He submits that if in Execution Application, entire amount is recovered by the Respondents Claimants then nothing will survive in the present First Appeal. He submits that they have good chance of success in the present proceedings.

4. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Respondents Claimants filed Execution Application for recovery of entire amount, we are satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. It is to be noted that present Civil Application is filed by the acquiring body after 6 years from the date of impugned judgment and decree. Considering these facts, they have to deposit entire awarded amount with interest and cost in Reference Court within four weeks from today. Hence, following order:

a) Operation and implementation of the impugned judgment and award dated 1.11.2012 passed by 3rd Joint Civil Judge, Senior Division, Nashik in L.A.R.No.192 of 2002 is stayed till the hearing and final disposal of First Appeal on

condition that Applicant to deposit entire awarded amount along with interest and cost, if any, within four weeks from today in Trial Court, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is deposited within stipulated time as stated hereinabove, Respondents Claimants are entitled to withdraw 25% amount without furnishing any security.

c) Reference Court is permitted to invest remaining award 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) Liberty granted to the Respondents Claimants if they so desire to prefer appropriate Application for withdrawal of the further amount and that Application be decided on its own merits.

e) Civil application stands disposed of accordingly.

Parties to act on authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)