

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4275/2014

in

First Appeal (ST) No.4266/2011

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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Mrs. Tanaya Goswami, AGP for the Applicant

CORAM: K.K.TATED, J.

DATED : AUGUST 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 26.08.2010 passed by the learned Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR NO.627/2002.

2 The learned AGP submits that in the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent-Claimant's land situated at Bavi Village, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale Medium Project. She submits that after following due process of law, the

SLAO passed award under section 11 of the said Act and granted compensation of Rs.5,02,315/-. Being aggrieved by the said award, the Respondent-Claimant filed Reference u/s.18 of the said Act for additional compensation of Rs.12,50,000/-. She submits that the Reference Court, without considering the evidence on record, held that the Respondent-Claimants are entitled to additional compensation to the tune of Rs.1,52,778/-. She submits that they have good chance of success in the matter. She submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that if the entire amount is recovered by the claimants in Execution Application then nothing will survive in the present proceedings.

3 Considering the submissions made by the learned AGP and as the Reference Court has awarded additional compensation of Rs.1,52,778/- I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 19.10.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

“(b) this Hon’ble Court be pleased to condone the 83 days of delay in filing the abovementioned First Appeal against the judgment and award dated 26.08.2010 passed byt Liberty granted to the Appellant to move for hearing early hearing once the paper book is filed and R & P is received. Learned Civil Judge, Senior Division Barshi, Dist. Solapur in LAR No.627/2002.”

b. The Tribunal is directed to invest the awarded 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.

c. Liberty granted to the claimants to prefer an appropriate Application for

withdrawal of amount, if they so desire,
which will be decided on its own merits.

d. The Civil Application stands disposed
of accordingly.

e. No order as to costs.

(K.K.TATED, J.)