

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No.2004/2016  
in  
First Appeal (ST) NO.10007/2011

|                                                                                                           |                                            |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders.                 |
|                                                                                                           | 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 08.11.2010 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.580/2002 awarding sum of Rs.1,70,937/- towards additional compensation in respect of the acquired land.

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 admeasuring 4H 55 Rs.

and 0.14 pot kharaba 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 on 02.06.2000 holding that the Respondent-Claimants are entitled to compensation of Rs.2,26,207/-. She submits that being aggrieved by the said award the Respondent-Claimants preferred Reference u/s.18 of the said Act and claimed additional compensation of Rs.2,53,646/-. She submits that the Reference Court only relied on the earlier judgments in LARs holding that the Respondent-Claimant is entitled to additional compensation in respect of the acquired land to the tune of Rs.1,70,937/-. She submits that they have good chance of success in the matter. She submits that if the entire amount is recovered by the claimants 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.1,70,937/- only on the basis of the previous judgments in

LARs I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time the Applicant has to deposit the entire awarded amount in the Tribunal on or before 18.10.2019.

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 18.10.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

*“(b) that this Hon'ble Court be pleased to stay the operation and/or execution and/or implementation of the judgment and award dated 08.11.2010 passed by the learned Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.580/2002 till the hearing and final disposal of the abovementioned First Appeal.”*

b. The Tribunal is directed to invest the 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. No order as to costs.

**(K.K.TATED, J.)**