

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3779 OF 2015
IN
FIRST APPEAL NO.1200 OF 2015

The State of Maharashtra & Anr. ...Applicants
vs.
Vijay Govind Kadam & Ors.
 ...Respondents

Mr.Yogesh Dabke, AGP for the Applicants

CORAM : K.K.TATED, J.
DATE : SEPTEMBER 5, 2019

P.C.:

1 Heard learned AGP for the Applicants.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Award dated 3rd May 2014 passed by Civil Judge (S.D.), Sindhudurg in LAR No. 13 of 2006 holding that the Respondents original Claimants are entitled to a sum of Rs.1,97,498/- by way of additional compensation.

3 The learned AGP for the Applicants submits that in the present proceedings, the SLAO issued notification under section 4 of the Land Acquisition Act on 30th December 1999 for acquiring the respondents' land at village Shirval, Taluka Kankawali, District Sindhudurg

for construction of Security Station of Puchh Canal. He submits that after following due process of law, the SLAO declared the Award under section 11 of the said Act on 17th January 2003. He submits that being aggrieved by the said Award, the respondents preferred Reference under section 18 of the said Act on 20th September 2015 and claimed enhancement of Rs.11,01,915/- with all other statutory benefits.

4 The learned AGP submits that the Reference Court without considering the evidence on record held that the respondents claimants are entitled to additional compensation of Rs.1,97,498/- in respect of the acquired land. Hence, they preferred this First Appeal.

5 The learned AGP submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Trial Court. He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

5 Considering the submissions made by the learned AGP for the Applicant and observations made by the Reference Court, I am satisfied that Applicant has made out a case for allowing this

Civil Application.

6 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit the entire awarded amount with interest in the Reference Court on or before 15.11.2019, failing which 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, execution and implementation of the Judgment and Award dated 3.5.2014 passed by the learned Civil Judge, Senior Division, Sindhudurg in LAR No.13 of 2006, till the hearing and final disposal of the above mentioned First Appeal."

b) The Reference Court is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)