

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4043/2018
in
First Appeal No.658/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Kunal Damle I/b. M/s. Jay & Co. for the Applicant	

CORAM : K.K.TATED, J.
DATED : JUNE 28, 2019

P.C.

1 Heard. By this Civil Application the Applicant acquiring body is seeking stay to the the operation and implementation of the impugned judgment and award dated 21.12.2017 passed by the Civil Judge, Senior Division, Sindhurug at Oros in LAR No.3/2007 holding that the Respondent - Claimants are entitled to additional compensation of Rs.1,41,429.41.

2 The learned counsel for the Applicant submits that in the present proceedings, they acquired the Respondent's land for Chipi Airport Project. After following due process of law, the Special Land

Acquisition Officer passed the award and awarded compensation. He submits that the Respondent - Claimants, being aggrieved by the said award, preferred Reference u/s.18 of the Land Acquisition Act, 1894 wherein the Reference Court has awarded additional compensation in respect of the acquired land admeasuring 2.45.9 H from Sy.No.69 and 72 @ Rs.790 per Are.

3 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount along with interest in the Reference Court. He submits that if entire amount is withdrawn by the claimant, nothing will survive in the present proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the the operation and implementation of the impugned judgment and award till hearing and final disposal of the appeal.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 21.12.2017 passed by the Civil Judge, Senior Division, Sindhurug at Oros in LAR No.3/2007 is stayed till hearing and final disposal of the appeal.

b) The Reference Court 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) Civil application stands disposed off accordingly.

(K.K.TATED, J.)