

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION No. 4048 OF 2018
IN
FIRST APPEAL No. 673 OF 2019

Maharashtra Industrial
Development Corporation
Ratnagiri ...Applicant

Vs.
M. Subhash Panduang Gholekar
and ors. ...Respondents

Mr. Kunal Damle a/w. Ms. Khushbu Marwadi i/b.
Jay & Co. for the Applicant

CORAM: K.K. TATED, J.

DATED : JUNE 26, 2019

P.C. :

1. Heard learned counsel Mr. Kunal Damle for the Applicant .
2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the judgment and award dated 21st December, 2017 passed by the Civil Judge Senior Division at Sindhudurga, Oros in Land Acquisition Reference No. 04 of 2007 holding that the Respondents /Original Claimants are entitled to additional compensation in respect of the acquired land.
3. The learned counsel for the Applicant

submits that they have already deposited the entire awarded amount along with interest in Reference Court. Statement is accepted.

4. The learned counsel for the Applicant submits that pending the hearing and final disposal of the present First Appeal, the operation and implementation of the impugned judgment and award be stayed. He submits that if the entire amount is withdrawn by the Respondents/Claimants, then nothing will survive in the present proceeding. He submits that they have good chances of success in the present proceeding. He submits that the Reference Court without considering the evidence on record, held that the Claimants are entitled for addition compensation in respect of the acquired land.

5. Considering the submission made by the learned counsel for the Applicant, the impugned judgment and award and as the Applicant has already deposited the entire awarded amount in the Reference Court, I am satisfied that the Applicant has made out a case for allowing this civil application.

5. Hence, following order:

(a) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“(a) Pending the admission and final disposal of the present appeal, this Hon'ble Court may be pleased to stay the execution, operation and implementation of the aforesaid judgment and order dated 21/12/2017 passed in Land Acquisition Reference No. 4 of 2007 passed by the Hon'ble Civil Judge, Senior Division, Sidhudurg at Oros.

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

(c) Liberty granted to the Respondents / Original Claimants, if they so desire, to prefer appropriate application for withdrawal of the awarded amount and the same be decided on its own merits.

(d) Civil Application is disposed of accordingly.

(e) No order as to costs.

(K. K. TATED, J.)