

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2045 OF 2016
IN
FIRST APPEAL (ST) NO.30994 OF 2010

The State of Maharashtra and Anr. .. Applicants
Versus
Vitthal Narsu Gadhave .. Respondent
Ms. Tanaya Goswami, AGP for applicant/State.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned AGP for applicant.
2. By this civil application, applicant is seeking stay of the operation and implementation of the judgment and award dated 01.01.2012 passed by Reference Court in Land Acquisition Reference No. 378 of 2002 awarding enhanced compensation to the tune of Rs.41830/-.
3. Learned AGP for the applicant submits that they have good chance of success in the present matter. She submits that at the time of awarding the compensation, Reference Court has not considered the sale instances placed on record. She submits that, if stay is not granted and if the entire amount is recover by the respondent/original claimant in Execution Application, then nothing will survive in the present proceedings.
4. Considering the submissions made by learned AGP for the applicant, averments made in Civil Application, I am satisfied

that the applicant has made out case for allowing this Civil Application. But at the same time, applicant have to deposit the entire awarded amount in Reference Court. Hence, following order :-

- a) Operation and implementation of impugned judgment and award dated 01.01.2010 passed by Reference Court in Land Acquisition Reference No. 378 of 2002 is stayed till the hearing and final disposal of the First Appeal, on condition that, the applicant to deposit the entire awarded amount in Reference Court on or before 31.07.2019, failing which Civil Application shall stand dismissed without reference to the Court.
- b) If amount is deposited within stipulated time, as stated above, the Reference Court is directed to invest the the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be continued till further orders.
- c) Liberty granted to the respondent/original claimant to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits .
- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K. K. TATED, J.)