

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1125 OF 2018
IN
FIRST APPEAL STAMP NO. 731 OF 2017

The State of Maharashtra	.. Applicant
Vs.	
Mr.Gopal Lahu Patil and ors.	.. Respondents

Ms.Tanaya Goswami, AGP for State.
Mr.Ajinkya Bharat N. I/b Mr.N.V.Bandiwadekar, for
Respondents No. 1 to 5.
Mr.Akshay Kulkarni I/b Mr.A.M. Kulkarni, for Respondent No.6.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

- . Heard learned Counsel for parties.
2. By this Civil Application, applicant is seeking stay of the operation and implementation of the impugned Judgment and Award dated 17/03/2016 passed by Joint Civil Judge, Senior Division, Alibag in Land Acquisition Reference No. 192 of 2014.

3. Learned AGP appearing on behalf of the applicant submits that as per earlier order dated 11/02/2019 passed by this Court, they deposited entire awarded amount with interest in Reference Court. Statement is accepted.

4. Learned AGP submits that pending the hearing and final disposal of the present First Appeal, this Hon'ble Court be pleased to stay the effect, operation and implementation of the judgment and award.

5. Learned AGP submits that if the entire amount is withdrawn by the respondents - original claimants, then nothing will survive in the present proceeding.

6. Considering the submissions made by learned AGP appearing for applicant and as the applicant has deposited entire award amount in Reference Court, I am satisfied that applicant has made out a case for the following order.

ORDER

(i) Civil Application is allowed in terms of prayer clause (b) which reads thus :

“that this Hon'ble Court be pleased to stay the operation and/or execution and/or implementation of the Judgment and Award dated 17/03/2016 passed by the Learned Joint Civil Judge, Senior Division, Alibag, District Raigad in L.A.R. No. 192 of 2014, till the hearing and final disposal of the above mentioned First Appeal.”

(ii) The Reference Court is directed to invest the award amount in a Fixed Deposit account in any Nationalised Bank, initially for a period of one year and same shall be renewed till further orders.

(iv) Liberty is granted to the respondents - original claimants, if they so desire, to prefer an application for withdrawal of the amount and that application to be decided on its own merits.

7. Civil Application stands disposed of. No order as to costs.

(K.K.TATED, J.)