

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1206 OF 2019

IN

FIRST APPEAL (ST.) NO.1126 OF 2019

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Tanaya Goswami, A.G.P. for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 4, 2019**

P.C.:

. Heard.

2 The learned A.G.P. for the Applicant submits that by this Civil Application they are seeking stay of the operation and implementation of the impugned judgment and award dated 24.11.2017 passed by learned Civil Judge, Senior Division, Nashik in L.A.R.No.3 of 2017.

3 The learned A.G.P. submits that in the present proceedings, Special Land Acquisition Officer issued notification under section 4 of

the Land Acquisition Act dated 7.4.2005 for acquiring Respondent original Claimants land situated at village Subhashnagar, Taluka Devala, District Nashik . She submits that after following due process of law, Special Land Acquisition Officer declared award under section 11 of the said Act on 6.3.2007 and awarded compensation to the tune of Rs.27,35,663/-- for Gut no.170 and Rs.3,25,041/- for Gut no.171/2 to the Claimants.

4 The learned A.G.P. submits that being aggrieved by the said award, Respondent original Claimant preferred Reference under section 18 of the Land Acquisition Act and claimed compensation in respect of acquired land @ Rs.4,00,000/- per Hector.

5 The learned A.G.P. submits that the Reference Court by its judgment and award dated 24.11.2017 awarded additional compensation in respect of acquired land to the tune of Rs.18,58,181/-. She submits that at the time of passing award, Reference Court failed to consider the sale instance placed on record by them. Hence, Applicant have good chance of success in the present matter.

6 The learned A.G.P. submits that if entire amount is recovered by the Respondent

Claimant in execution application, then nothing will survive in the present proceeding. She submits that in the interest of Justice, this Hon'ble court be pleased to stay the operation and implementation of the impugned judgment and award till the hearing and final disposal of the First Appeal.

7 Considering the fact that the Reference Court, awarded additional compensation in respect of acquired land to the tune of Rs.18,58,181/-, I am satisfied that the Applicant has made out a case for allowing Civil Application. At the same time, Applicant have to deposit entire awarded amount with interest in the Reference Court. Hence, following order is passed

a. Civil Application is allowed in terms of prayer clause (b) on the condition that Applicant to deposit entire awarded amount with interest and cost in the Reference Court on or before 20.7.2019, failing which Civil Application shall stand dismissed without referring back to the court. Prayer clause (b) reads thus:

"b) that this Hon'ble Court be pleased to stay the execution, operation and implementation of the Judgment and

Award dated 24.11.2017 passed by Learned Civil Judge, Senior Division, Nashik, in L.A.R. No.03 of 2017, till the hearing and final disposal of the above mentioned First Appeal."

- b. If amount is deposited within stipulated time as stated hereinabove, Reference Court is directed to invest entire amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- c. Liberty granted to the Respondent original Claimant to prefer appropriate application if they so desire and that be decided on its own merits.
- d. Civil Application stands disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)