

3. Learned Assistant Government Pleader for the Applicant submits that, in the present proceedings the Respondents/Claimants being aggrieved by the Judgment and award passed by the Reference Court under section 18 of the Land Acquisition Act, claimed for enhanced compensation at the rate of Rs.3,50,000/- Per hectare. He submits that the Reference Court without considering the sale instances on record held

that the respondent/claimants are entitled to additional compensation of Rs.4,53,593/-. He submits that the Applicants have good chance of success in the present matter.

4. The learned Assistant Government Pleader 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. He submits that if the entire amount is recovered by the respondent/claimant then, nothing will survive in the present First Appeal.

5. Considering the submissions made by the learned Assistant Government Pleader for the Applicant and the impugned Judgment and Award, I am satisfied that the 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 execution, operation and implementation of the Judgment and Award dated 22.06.2017 passed by the learned Civil Judge, Senior Division, Nashik in L.A.R. No.349 of 2008, till the hearing and final disposal of the above mentioned First Appeal.

On the condition that the Applicant to deposit the entire award amount in the Reference Court on or before 29.6.2019 failing which the

Civil Application shall stand dismissed without reference to the Court.

(i) If the amount is deposited within the stipulated time as stated above, the Reference Court is directed to invest the said amount in Fixed Deposit of any nationalized bank initially for a period of one year and same to be continued till further orders.

(ii) Liberty is granted to the respondent/claimant if they so desire ,to prefer an appropriate application for withdrawal of the amount and that application be decided on its own merits.

(iii) Civil Application stands disposed of accordingly.

(iv) No order as to costs.

{K.K.TATED, J}