

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 875 OF 2019
IN
FIRST APPEAL STAMP NO. 1556 OF 2019

The State of Maharashtra & anr.	.. Applicants
Vs.	
Shri Mohan Mahadeo Bhoir and ors.	.. Respondents

Ms.Tanaya Goswami, AGP for State.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned AGP appearing for the applicants.

2. By this Civil Application, applicants are seeking stay of the operation and implementation of the impugned Judgment and Award dated 25/05/2017 passed by learned Civil Judge, Senior Division, Alibag, Raigad in Land Acquisition Reference No. 505 of 2016 holding that the respondents – claimants are entitled a sum of Rs.16,11,362/- by way of additional compensation.

3. Learned AGP appearing for the applicants submits that if the entire amount is recovered by the respondents - original claimants by filing Execution Application, then nothing will survive in the present proceeding. She submits that they have good chance of success in the present proceedings. She submits that pending the hearing and final disposal of the present Appeal, this Hon'ble Court be pleased to stay the effect, operation and implementation of the impugned judgment and award.

4. Considering the submissions made by learned AGP for the applicants, I am satisfied that the applicants have made out a case for allowing this Civil Application, but at the same time, they have to deposit entire awarded amount with interest in Reference Court. Hence, 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 25.05.2017 passed by the Learned Civil Judge, Senior Division, Alibag, Raigad in L.A.R. No. 505 of 2016 till the hearing and final disposal of the above mentioned First Appeal.”

on condition that applicants to deposit the entire awarded amount along with interest in Reference Court on or before 16/11/2019, failing which Civil application shall stand dismissed without further reference to the Court.

(ii) If the amount is deposited within the stipulated time as stated above, the Reference Court is directed to invest the awarded 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.

(iii) 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.

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

(K.K.TATED, J.)