

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4159/2016

FIRST APPEAL (ST)NO.2056/2011

The State of Maharashtra & Anr. Applicants.

Vs.

Bhika Hari Nanware ... Respondents.

AGP Ms Tanaya Goswami for applicants.

CORAM : K.K.TATED, J.

DATED : JULY 8, 2019.

P.C.

Heard learned AGP Miss Tanaya Goswami for applicant/State.

2. By this civil application, applicant/State is seeking stay of operation and implementation of impunged judgment and award dated 12.1.2010 passed by learned Civil Judge, Senior Division, Barshi, District-Solapur, in LAR No.533/2002 holding that respondent/claimants are entitled additional compensation.

3. Learned AGP Ms.Goswami submits that in the

present proceeding Special Land Acquisition Officer issued notification u/s 4 of Land Acquisition Act (hereinafter referred as said Act) for acquiring respondent/claimant's land admeasuring 0.30 R bearing Gat No.270 situated at village Babulgaon, Tal-Barshi, District-Solapur for the purpose of 'Babulgaon Medium Project'. After following due process of law Special Land Acquisition Officer declared award dated 11-2-1998 u/s 11 of the said Act and awarded compensation of Rs.13,459/- to the respondent. Being aggrieved by said award, the respondent preferred reference u/s 18 of the said Act for additional compensation. Reference court without considering the evidence on record held that respondent is entitled for additional compensation. She submits that they have good chance of success. She submits that pending the hearing and final disposal of first appeal, this court be pleased to stay the operation and implementation of the judgment and award. She submits that if stay is not granted, irreparable loss would be caused to applicant.

4. Considering the submissions made by learned AGP for applicant and averments made in application, I am satisfied that applicant has made out a case, but at the same time, they have to deposit entire awarded amount in reference

court.

5. Hence, the following order.

A) Civil application is allowed in terms of prayer clause (b) which is reproduced as below, on condition that applicant should deposit entire awarded amount with interest on or before 27.9.2019 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 operation and implementation of the judgment and award passed by Reference Court in LAR no.533/2002, till the hearing and final disposal of above mentioned first appeal.

B) If entire amount is deposited as stated hereinabove, respondents are permitted to withdraw entire amount without furnishing any security but subject to outcome of first appeal.

C) If amount is not withdrawn within 60 days from the date of deposit, then reference court is directed to invest the amount in a Fixed Deposit in any

Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)

