

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

**CIVIL APPLICATION NO. 1062 OF 2016
IN
FIRST APPEAL NO. 1308 OF 2017**

The State of Maharashtra
Vs.

..... Appellant.

Jaywant Tulshiram Thakur & Anr.

..... Respondents

Tanaya Goswami, AGP for the State.
None for Respondents.

.....

.....

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019**

P.C.

- 1 Heard Learned AGP for the Applicant-State.
2. By this Civil Application, the Applicant-State of Maharashtra is seeking stay of the operation and implementation of the Judgment and award dated 28th July, 2014 passed by the Learned Civil Judge, Senior Division, Panvel, Raigad in L.A.R. No.54/1995 holding that the Respondents/Original Claimants are entitled additional compensation of Rs. 29,26,154/- in respect of acquiring land.
3. This Court by order dated 8th November, 2017 directed the Applicant to deposit the entire awarded amount along with interest in reference court within 12 weeks from the date of the said order. Office note shows that the said amount is not deposited by the Applicant.

4. The Learned AGP for the Applicant submits that, time may be extended to deposited the amount.

5. Considering the submission made by the Learned AGP for the State and the order dated 8th November, 2017, the following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) on a condition that the Applicant to deposit the entire awarded amount with interest in the reference court on or before 8th November, 2019, failing which, Civil Application stand dismissed without further reference to the Court. Prayer clause (b) reads thus:

“b. that this Hon'ble Court be pleased to stay the operation and/or execution and/or implementation of the judgment and award dated 28.07.2014 passed by the Learned Civil Judge, Senior Division, Panvel, District Raigad in L.A.R. No. 54 of 1995, till the hearing and final disposal of the above mentioned First Appeal;”

b. If the amount is deposited, reference court directed to invest the entire amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. Liberty is granted to the Respondents/Original Claimants if they so desire to prefer an appropriate application for withdrawal of the amount and that will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)