

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

**CIVIL APPLICATION NO.2536/2015
in
FIRST APPEAL (ST)NO.2868/2013**

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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Advocate Mrs.Geeta Mulekar for applicant.

**CORAM : K. K. TATED, J
DATE : AUGUST 16, 2019.**

P.C.:

Heard learned AGP Mrs.Geeta Mulekar for applicant.

2. By this civil application, applicant is seeking stay of operation and implementation of judgment and award dated 17.12.2011 passed by Civil Judge, Senior Division, Sindhudurg, Oros, in L.A.R. No.45/2003 holding that respondents/claimants are entitled additional sum of Rs.1,51,189/- by way of compensation in respect of acquired land.

3. Learned AGP Mrs.Mulekar for applicant submits that if entire

amount is recovered by the respondent by filing execution application, then nothing will survive in the present proceeding. She submits that they have good chance of success. She submits that, the awarded compensation is on higher side.

5 Considering the submissions made by learned AGP for applicant and the averments made in civil application, I am satisfied that applicant has made out a case for following order.

A) Civil application is allowed in terms of prayer clause (b) which is reproduced as below on condition that, applicant to deposit the entire amount with interest in the reference court on or before 11.10.2019 failing which civil application shall stand dismissed without referring back to the court.

b) That this Honourable Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 17.12.2011 passed by the learned Civil Judge, Senior Division, Sindhudurg, Oros in LAR No.45 of 2003 till the hearing and final disposal of the abovementioned First Appeal.

B) Reference Court is directed to invest entire amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)