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

**CIVIL APPLICATION NO.2544/2015**
**IN**
**FIRST APPEAL (ST)NO.3004/2013**

| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---|

AGP Mr.AR Patil for applicant.

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

**P.C.:**

Heard learned AGP Mr.A.R.Patil for applicant.

2. By this civil application, applicant is seeking stay of operation and implementation of judgment and award dated 17.09.2011 passed by passed by reference court in LAR No.48/2003 holding that respondents/claimants are entitled additional compensation of Rs.91,568/- in respect of acquired land.

3. Learned AGP Mr.A.R.Patil for applicant submits that the

awarded compensation is on higher side. He submits that, if entire amount is recovered by the respondent by filing execution application, then nothing will survive in the present proceeding. He submits that they have good chance of success. He submits that in the interest of justice, this court be pleased to stay the operation and implementation of the impugned judgment and award, during the pendency of first appeal.

6. Considering the submissions made by learned AGP Mr.A.R.Patil for applicant, averments made in application and as referene court awarded sum of Rs.91,568/- by way of additional compensation in favour of respondents, 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 19.10.2019 failing which civil application shall stand dismissed without referring back to the court.

> b)That this Hon'ble Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 17.12.2011 passed by the laerned Civil Judge, Senior Division, Sindhudurg-Oros in LAR No.48/2003 till the hearing and final disposal of abovementioned First Appeal.

B) If amount is deposited within stipulated time, 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.)**