

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1497/2019
in
First Appeal (ST) No.4804/2019

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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Mr. A. R. Patil, AGP for the Applicant
Mr. Jayesh M. Joshi for the Respondent

CORAM: K.K.TATED, J.
DATED : OCTOBER 14, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 05.09.2017 passed by the Civil Judge, Senior Division Alibaug at Raigad in LAR No.78/2009 holding that the Respondent-Claimants are entitled to additional compensation of Rs.38,61,477/- in respect of the acquired land.

2 The learned AGP submits that in the present proceedings the Special Land Acquisition Officer issued Notification u/s.4 of the Land Acquisition Act, 1894 on 17.05.2007 for acquiring the

Respondent-Claimant's land situate at village Amboli, Tq. Murud, Dist. Raigad. After following due process of law the Special Land Acquisition Officer declared the award u/s.11 of the said Act on 06.06.2009 holding that the claimants are entitled to sum of Rs.35,893/- in respect of the acquired land. He submits that being aggrieved by the said award the Respondent-Claimant preferred Reference u/s.18 of the said Act claiming compensation of Rs.18000/- pm in respect of the acquired land.

3 The learned AGP submits that the Reference Court without considering the evidence on record held that the claimants are entitled to additional compensation in respect of the acquired land only on the basis of the earlier judgment. He submits that they have good chance of success in the matter. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings. He submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation

of the impugned judgment and award.

4 Considering the submissions made by the learned AGP for the Applicant and the impugned judgment and award I am satisfied that the Applicant has made out a case for allowing the Civil Application, but they have to deposit the entire awarded amount in the Reference Court on or before 13.12.2019.

4 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Reference Court on or before 13.12.2019 failing which the Civil Application shall stand dismissed without further reference to the court.

Prayer clause (b) reads thus:

“(b) that this Hon'ble Court be pleased to stay the execution, operation and implementation of the judgment and award dated 05.09.2017 passed by the learned Civil Judge, Senior Division, Alibag-Raigad in LAR No.78/2009 till the hearing and final disposal of the abovementioned First Appeal.”

b. The Reference Court is directed to invest the amount in a fixed deposit account of any Nationalized Bank,

initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which 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.)