

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.4277 OF 2014**  
**IN**  
**FIRST APPEAL STAMP NO.6226 OF 2011**

The State of Maharashtra ... Applicant.  
Vs.  
Bhujang Namdeo Jadhavar  
Since Deceased Through His  
Legal Heirs ... Respondents.

Mrs. Tanaya Goswami, AGP for Applicant  
None for the Respondents.

**CORAM : K.K.TATED, J.**  
**DATED : 8TH AUGUST, 2019.**

**P.C.**

Heard learned AGP for Applicant

2. Though the respondents are duly served, no one appeared on behalf of them when the matter is called out.

3. By this Civil Application, Applicant is seeking stay of the operation of judgment and award dated 22.03.2010 passed by learned Civil Judge, Senior Division, Barshi, District Solapur in L.A.R. No. 134 of 2002 holding that the respondents claimants are entitled additional compensation of Rs. 1,24,250/-.

4. The learned AGP submits that, in the present proceeding, Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act (hereinafter referred as said Act) dated 20.03.1991 for acquiring Respondent's land bearing Gat No.323 (part) to the extent of 1H 75R situated at village Chumb, Tal. Barshi, District Solapur for Percolation Tank Project. After following due process of law, the Special Land Acquisition Officer passed award dated 19.10.1993 under Section 11 of the said Act and granted compensation of Rs. 10,000/- per hectare. She submits that being aggrieved by the said award, the respondents claimants preferred reference under Section 18 of the Land Acquisition Act and claimed for additional compensation of Rs. 2,53,375/-.

5. The learned AGP submits that the reference Court without considering the evidence on record, only on the basis of earlier judgment other LAR held in that, the respondents claimants are entitled additional compensation of Rs. 1,24,250/-. She submits that they have good chance of success in the present First Appeal.

6. The learned AGP submits that pending hearing and final disposal of the First Appeal, this Hon'ble Court be

pleased to stay the operation / implementation of the impugned judgment and award. She submits that if entire amount is recovered by the respondents claimants by filing execution application nothing will survive in a present proceeding.

7. Considering the submissions made by learned AGP for Applicant and as the Reference Court awarded additional compensation to the tune of Rs. 1,24,250/-, I satisfied that Applicant has made out a case allowing for allowing this civil application. At the same time, they have to deposit the entire awarded amount along with interest in Reference Court. Hence following order:

a) Civil Application allowed in terms of prayer as Clause B on condition that thus, on condition that Applicant to deposit the entire awarded amount alongwith interest in Reference Court on or before 19.10.2019 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 / or execution and / or implementation of the Judgment and Award dated 22.03.2010 passed by the Learned Civil

Judge, Senior Division, Barshi, District Solapur in L.A.R. No.134 of 2002, till the hearing and final disposal of the abovementioned First Appeal.”

- b) If amount is deposited within time Reference Court is directed to invest the entire amount in fixed deposit of any Nationalized Bank initially for a period of one year and same to be continued till further orders.
- c) Liberty granted to the respondents claimants to prefer an appropriate application for withdrawal of amount, if they so desire, which will be decided on its own merits.
- d) Civil Application stands disposed off accordingly.

**(K.K.TATED, J.)**