

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4659 OF 2016
IN
FIRST APPEAL (ST) NO.7231 OF 2016

The Executive Engineer Nandur
Madhyameshwar Prakash Division,
Nashik .. Applicant

Versus
Shri. Kundalik Nabhaji Kokane (decd.)
through LR's. .. Respondents

None for the applicant.
Mr. Yogesh Dabake, AGP for respondents.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1 None for the applicant. Mr. Yogesh Dabake, AGP for respondent/State.

2. By this Civil Application, acquiring body is seeking the stay of the operation and implementation of the judgment and award passed by the Reference Court awarding the enhanced compensation in respect of the acquired land.

3. Considering the submissions made in civil application, and the impugned order, I am satisfied that the applicant has made out case for allowing this Civil Application. But at the same time, they have to deposit entire awarded amount in the Reference Court. Hence, following order :-

a) Operation and implementation of impugned judgment and award passed by Reference Court in Land Acquisition Reference No. 252 of 2006 is stayed till the hearing and final disposal of the First Appeal, on condition that the applicant to deposit the entire awarded amount in the Reference Court on or before 30.04.2019, failing which Civil Application shall stand dismissed without reference to the Court.

b) If amount is deposited within stipulated time, the Reference Court is directed to invest the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be continued till further orders.

c) Liberty granted to the respondent/original claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K. K. TATED, J.)