

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

CIVIL APPLICATION NO. 3113 OF 2016
IN
FIRST APPEAL NO.1184 OF 2019

The State of Maharashtra
(Through The Special Land Acquisition
Officer)

...Applicant

V/s.

Shri, Atmaram Hari Mhatre & others.

...Respondent/s

Mr. A. R. Patil, AGP for the State.

CORAM : K.K.TATED, J.
DATED : AUGUST 30, 2019

P.C.

1. Heard learned AGP for the Applicant.
2. Though, the Respondent duly serve no one appeared on behalf of them, when the matter is called out.
3. By this Civil Application, the Applicant is seeking to stay the operation and implementation of the impugned judgment and award dated 17.06.2015, passed by the learned Joint Civil Judge, Senior Division, Alibag at Raigad, in L.A.R. No.570 of 2000 holding that the Respondent/claimant are entitled additional compensation of Rs.6,03,116/-.
4. In the present proceeding, this Court by order dated

16.08.2019 is directed the Applicant to deposit the entire amount with appropriate interest in the reference Court within a period of four weeks. There is no endorsement about compliance by this order.

5. Considering the facts, the following order is passed:-

a) The Civil Application is allowed in terms prayer clause (b) which reads thus:-

“that the Hon'ble Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 17.06.2015 passed by the Learned Joint Civil Judge, Senior Division, Alibag Raigad in L.A.R. No.570 of 2000 (Old L.A.R. No.204/1990), till the hearing and final disposal of the above mentioned First Appeal”

on condition that the Applicant to deposit entire awarded amount along with accrued interest in the reference Court, on or before 27.09.2019 failing which, Civil Application shall stand dismissed without further reference to the Court.

b) If amount is deposited within the stipulated time, the Tribunal is directed to invest the award 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 is granted to the Respondents/Claimants if they so desire, to prefer an appropriate Application for withdrawal of amount and which will be decided on its own merits.
- d) Civil Application stands disposed of as accordingly.
- e) No order as to costs.

(K.K.TATED, J.)