

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

CIVIL APPLICATION NO.2142 OF 2019

IN

FIRST APPEAL NO.729 OF 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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Ms.Tanaya D. Goswami, A.G.P. for the
applicant

None for the respondent

CORAM : K. K. TATED, J

DATE : JULY 1, 2019

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the judgment and award dated dated 24.01.2013 passed by 3rd Joint Civil Judge, Senior Division, Nashik in L.A.R. No.13 of 2007.

3 The learned A.G.P submits that in the present proceedings, Special Land Acquisition

Officer issued notification under section 4 of the Land Acquisition Act dated 01.10.2002 for acquiring Respondent original Claimant's land from Village Harsul & Sapatpalli, Tal. Trambakeshwar, Dist. Nashik for the purpose of Waigholpada Canal Project. She submits that after following due process of law, Special Land Acquisition Officer declared award under section 11 of the Land Acquisition Act dated 15.9.2003. She submits that being aggrieved by the said award, Respondent original Claimant preferred Reference under section 18 of the Land Acquisition Act. She submits that Respondent - Claimant awarded additional compensation in respect of acquired land to the tune of Rs.83,456/-.

4 The learned A.G.P. submits that Reference Court has not considered sale instance on record at the time of awarding additional compensation in respect of acquired land. She submits that they have good chance of success in the present proceeding. She submits that in the interest of Justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till the hearing and final disposal of First Appeal. She submits that if stay is not

granted, irreparable loss will be caused to the Applicant.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A. Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit entire awarded amount along with interest in the Reference Court on or before 30.09.2019, failing which, Civil Application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus:

"(a) that this Hon'ble Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 24.01.2013 passed by the Learned 3rd Joint Civil Judge, Senior Division, Nashik in L.A.R. No.13 of 2007, till the hearing and final disposal of the above mentioned First Appeal."

B. If amount is deposited within stipulated

time as stated hereinabove, Reference Court is directed to invest entire amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till further orders.

C. Liberty granted to the Claimant to make appropriate Application for withdrawal of amount and that Application be decided on its own merits.

D. Civil application stands disposed of accordingly.

(K.K.TATED, J.)