

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

**CIVIL APPLICATION NO.949 OF 2019
IN
FIRST APPEAL (ST.) NO.11699 OF 2017**

WITH

**CIVIL APPLICATION NO.951 OF 2019
IN
FIRST APPEAL (ST.) NO.11709 OF 2017**

WITH

**CIVIL APPLICATION NO.953 OF 2019
IN
FIRST APPEAL (ST.) NO.11720 OF 2017**

WITH

**CIVIL APPLICATION NO.955 OF 2019
IN
FIRST APPEAL (ST.) NO.11727 OF 2017**

WITH

**CIVIL APPLICATION NO.957 OF 2019
IN
FIRST APPEAL (ST.) NO.11731 OF 2017**

WITH
CIVIL APPLICATION NO.959 OF 2019
IN
FIRST APPEAL (ST.) NO.11736 OF 2017

WITH
CIVIL APPLICATION NO.961 OF 2019
IN
FIRST APPEAL (ST.) NO.11744 OF 2017

WITH
CIVIL APPLICATION NO.963 OF 2019
IN
FIRST APPEAL (ST.) NO.11804 OF 2017

WITH
CIVIL APPLICATION NO.965 OF 2019
IN
FIRST APPEAL (ST.) NO.11815 OF 2017

WITH
CIVIL APPLICATION NO.967 OF 2019
IN
FIRST APPEAL (ST.) NO.11824 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms.Tanaya Goswami, A.G.P. for the applicant

CORAM : K. K. TATED, J
DATE : APRIL 4, 2019

P.C.:

. Heard.

2 The learned counsel for the Applicant submits that by these Civil Applications, they are seeking stay of the operation and implementation of the common impugned judgment and award dated 12.2.2014 passed by learned 3rd Joint Civil Judge, Senior Division, Nashik in Land Acquisition References.

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 3.3.2003 for acquiring Respondent original Claimants land from village Chinchwad, Chirapalli, Jategaon (Khurd) and Jategaon (Budruk), Taluka Trambakeshwar, District Nashik for

construction of Roshani Main Dam and its submergence area. He submits that after following due process of law, Special Land Acquisition Officer declared award dated 2.3.2006 and awarded compensation in respect of acquired land.

4 The learned A.G.P. submits that being aggrieved by the said award, Respondent original Claimant preferred Reference under section 18 of the Land Acquisition Act and claimed compensation at the rate of Rs.3,00,000/- per hectare. The learned A.G.P. submits that without considering the evidence on record particularly sale instance, reference court passed judgment and award dated 12.2.2014 and awarded enhanced compensation. Hence, they preferred the present First Appeal.

5 The learned A.G.P. submits that if entire amount is recovered by the Respondent Claimant in execution application, then nothing will survive in the present proceeding. The learned A.G.P. submits that in the interest of justice, pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned judgment and award passed by the Reference Court be stayed.

6 It is to be noted that in the present proceeding to stay the money decree, it is necessary for the Applicant to deposit entire awarded amount. Considering these facts, following order is passed :

- a. Operation and implementation of the impugned judgment and award dated 12.2.2014 passed by 3rd Joint Civil Judge, Senior Division, Nashik in Land Acquisition References is stayed on condition that Applicant to deposit entire awarded amount along with interest in the Reference Court on or before 20.7.2019, failing which all Civil Applications shall stand dismissed without referring back to the court.
- b. If amount is deposited within stipulated time as stated hereinabove, Reference Court is directed to invest entire amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- c. Liberty granted to the Respondent original Claimant to prefer appropriate applications for withdrawal of amount, if they so desire and that be decided on its own merits.
- d. All Civil Applications stand disposed of accordingly.

(K.K.TATED, J.)