

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3051/2019
in
First Appeal (ST) No.12820/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Nitesh Bhutekar a/w. Ms. Lakshmi Bussa I/b. M. V. Kini & Co. for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 4, 2019

P.C.

1 Leave to amend.

2 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 07.03.2017 passed by the Reference Court in LAR No.2/2008 holding that the Respondent-Claimants are entitled to additional compensation in respect of the acquired land.

3 The learned counsel for the Applicant submits that, the Reference Court has erred in coming to the conclusion that, the Respondent-Claimant is entitled to additional

compensation in respect of the acquired land. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings. He submits that pending the hearing and final disposal of the First Appeal the operation and implementation of the impugned judgment and award be stayed.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application subject to the Applicant depositing the entire awarded amount along with interest and costs in the Reference Court.

5 Hence, following order is passed:

a. Pending the hearing and final disposal of the First Appeal the operation and implementation of the impugned judgment and award dated 07.03.2017 passed by the Reference Court, Baramati in LAR No.2 of 2008 is stayed, subject to the Applicant depositing the entire

awarded amount along with interest and costs in the Reference Court on or before 18.10.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. The Reference Court is directed to invest the 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 granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)