

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

**CIVIL APPLICATION NO.3696 OF 2015
IN
FIRST APPEAL (ST.) NO.15420 OF 2011**

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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Mr.A.R.Patil, A.G.P. for the applicant

**CORAM : K. K. TATED, J
DATE : AUGUST 14, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the judgment and award dated 30.9.2010 passed by learned Civil Judge, Senior Division, Barshi, Dist. Solapur in L.A.R.No.569 of 2002 holding that Respondent original Claimants are entitled compensation in respect of acquired land of Rs.1,20,720/-.

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 3.6.1999 for acquiring Respondent's land from village Bavi, Tal. Barshi, District Solapur for Pimpalgaon Dhale Medium Project. He submits that after following due process of law, Special Land Acquisition Officer declared award under section 11 of the said Act dated 2.6.2000 and awarded sum of Rs.86,332/- in favour of Respondent Claimant by way of compensation. He submits that being aggrieved by the said award, Respondent original Claimant preferred reference under section 18 of the Land Acquisition Act. Reference Court after considering the evidence on record held that Claimants are entitled additional compensation of Rs.1,20,720/-.

4 The learned A.G.P. submits that at the time of awarding additional compensation, Reference Court failed to consider the evidence on record, particularly sale instance. He submits that Reference Court mainly relied on earlier judgment in previous LAR in which land from the same locality was accepted. Hence, they have good chance of success in the present proceeding.

5 The learned A.G.P. submits that if entire

compensation is recovered by Respondent original Claimant by filing execution Application, then nothing will survive in the present proceeding. He submits that pending the hearing and final disposal of the First Appeal, this Hon'ble court be pleased to stay the operation and implementation of the impugned judgment and award.

6 Considering the submissions made by the learned A.G.P. for the Applicant and the impugned judgment and award passed by Reference Court holding that Claimants are entitled additional compensation of Rs.1,20,720/-, I am satisfied that the Applicant has made out a case for allowing the Civil Application. But they have to deposit entire awarded amount with interest in the Reference Court on or before 19.10.2019 failing which the Civil Applications shall stand dismissed without referring back to the court. Hence, following order is passed:

- a. Operation and implementation of the impugned judgment and award dated 30.09.2010 passed by learned Civil Judge, Senior Division, Barshi, District Solapur in L.A.R. No.569 of 2002, is stayed till the hearing and final disposal of the First

Appeal on condition that Applicant to deposit entire awarded amount with interest in the Reference Court on or before 19.10.2019, failing which Civil Applications shall stand dismissed without referring back to the court.

- b. Reference court is directed to invest the said 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 Applicants to prefer an appropriate Application for withdrawal of 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.)