

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 164 of 2019
IN
CROSS OBJECTION (ST) No. 12563 OF 2019
IN
FIRST APPEAL No. 449 OF 2018

Maharashtra Krishna Valley Development
Corporation ...Applicant

In the matter of

Tukaram Rama Dighe (deceased)
Seetaram Tukaram Dighe and Ors. ...Appellants

Vs.

Land Acquisition Officer No.3 and Ors. ...Respondents

Mr. Nitin Deshpande for Applicant
Mr. Gaurav Potnis i/b. Pallavi Potnis for Appellants
Mrs. Tanaya Goswami-AGP for State

CORAM: K.K. TATED, J.

DATE : MAY 2, 2019

P.C. :

1. Not on Board. At the request of learned counsel for the applicant, the matter is taken on board for urgent orders.
2. Heard Learned counsel for the parties.
3. By this civil application, the Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 25th October, 2016 passed by the Reference Court in LAR No. 400 of 2001.

4. Learned counsel for the Applicant submits that in the present proceedings, the Original Claimants filed First Appeal No. 449 of 2018 for additional compensation. He submits that the Acquiring Body filed Cross Objections (ST) No.12563 of 2019 challenging the judgment and award passed by the Reference Court.
5. Learned counsel for the Applicant submit that if the entire awarded amount is recovered by the Respondents/ Claimants by filing execution application, then nothing will survive in the present cross-objections. He submits that they have good chance of success in the present proceedings. He submits that pending the hearing and final disposal of the Cross Objection, the operation and implementation of the impugned judgment and award dated 25th October, 2016 passed by reference court may be stayed.
6. On the other hand, learned counsel appearing on behalf of the Claimants opposes the present civil application. He submits that if the stay is granted, the Acquiring Body be directed to deposit the entire amount in the Reference Court and the claimants may be permitted to withdraw the same.
7. Considering the submission made by the learned counsel for the Acquiring Body and perusing the impugned judgment and award, I am satisfied that the Acquiring Body has made out a case for following order:

ORDER

- (A) The operation and implementation of the impugned judgment and award dated 25th October, 2016 passed by the Reference

Court in Land Acquisition Reference No. 400 of 2001 is stayed on a condition that the Acquiring Body to deposit the entire awarded amount including interest in Reference Court on or before 7th June, 2019, failing which the civil application shall stand dismissed without referring back to the Court.

- (B) If the entire amount is deposited within time as stated hereinabove, the Reference Court to invest the said amount in fixed deposit of any nationalized bank initially for a period of one year and same to be continued till further orders.
- (C) Liberty is granted to the Claimants, if they desire so to prefer appropriate application for withdrawal of the amount and that application will be decided on its own merits.
- (D) Civil Application stands disposed of accordingly.

(K. K. TATED, J.)