

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2018/2016
in
First Appeal (ST) No.14082/2007

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A. R. Patil, AGP for the Applicant

CORAM : K.K.TATED.J.
DATED : JUNE 18, 2019

P.C.

1 Heard. This Application is for stay to the operation and implementation of the the judgment and award dated 04.07.2006 passed by the Reference Court, Pune in LAR No.69/1998 during pending the First Appeal.

2 The learned AGP submits that the SLAO has issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent - claimant's land. He submits that after following due process of law, the SLAO passed the award and awarded compensation. Being aggrieved by the said Award the claimants preferred Reference u/s.18 of the said act. He submits that the Reference Court has awarded compensation

of Rs.3 lacs per hector i.e. Rs.1,66,580/- as additional compensation in respect of the land admeasuring 74R from Gut No.417/2/Potkharaba. He submits that if amount is recovered by the Respondent in the Execution Application, then nothing will survive in the present proceedings.

3 The learned AGP submits that they have good chance of success in the matter. 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 passed by the Reference Court.

4 Considering the submissions made by the learned AGP and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

a. The operation and implementation of the the judgment and award dated 04.07.2006 passed by the Reference Court, Pune in LAR No.69/1998 is stayed till hearing and final disposal of the First

Appeal subject to the Applicant depositing the entire awarded amount in the Reference Court on or before 30.09.2019, 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.

(K.K.TATED, J.)