

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

**CIVIL APPLICATION NO.1101/2018
in
FIRST APPEAL STAMP NO.16378/2017**

**WITH
CIVIL APPLICATION NO.1103/2018
IN
FIRST APPEAL (STAMP)NO.16394/2017**

**WITH
CIVIL APPLICATION NO.1105/2018
IN
FIRST APPEAL (STAMP)NO.16411/2017**

**WITH
CIVIL APPLICATION NO.1107/2018
IN
FIRST APPEAL (STAMP)NO.16424/2017**

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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Mrs. Tanaya Goswami AGP for applicants.
Mrs.Sandhya Mailgir, advocate i/b Anil Ahuja, advocate for respondents.

**CORAM : K.K.TATED, J.
DATED : JUNE 6, 2019**

P.C.

Heard learned AGP, Mrs.Tanaya Goswami for applicants and learned counsel Mrs. Mailgir for the respondents.

2. By these civil applications, the applicants are seeking stay of operation and implementation of common judgment and award dated 20.08.2014, passed by the reference court in L.A.R. holding that the respondents/claimants are entitled for additional compensation.

3. Learned AGP Mrs. Goswami, submits that, if the entire amount is recovered by the respondents in execution application, then nothing will survive in first appeals. She submits that the applicants have good chance of success. She submits that reference court failed to consider the fact that, Special Land Acquisition Officer awarded compensation in respect of acquired land, on the basis of market value. She submits that the reference court failed to consider the sale instances on record at the time of awarding additional compensation. Hence, operation and implementation of the impugned judgments and awards passed by the reference court is required to be stayed.

4. Considering the submissions made by learned AGP and the averments in civil applications, I am satisfied that applicants have made out a case for allowing these applications, because if the entire amount is recovered by respondents/claimants by preferring execution applications, then nothing will survive in these first appeals. But at the same time, applicants have to deposit the entire awarded amount in reference court on or before 31.08.2019.

5. Hence, the following order.

a) Pending the hearing and final disposal of First Appeals, operation and implementation of common judgment and award passed by learned Joint Civil Judge, Senior Division, Nashik in L.A.R. is stayed on condition that, the applicants to deposit the entire awarded amount in reference court on or before 31.08.2019 failing which, all civil applications shall stand dismissed without referring back to the Court.

b) If the entire amount is deposited within stipulated time, the reference court is directed to invest the entire amount in the

fixed deposit in any nationalized bank, initially for a period of one year and same be continued till further orders.

c) Liberty is granted to respondents/claimants if they so desire to prefer applications for withdrawal of amount and those applications be decided on their own merits.

d) All civil applications are disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)