

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3044/2017
IN
FIRST APPEAL NO.1095/2017

The State of Maharashtra Applicant.
Vs.
Pralhad H. Thakur & Ors ... Respondents.
Advocate Mrs.Tanaya Goswami for appellant.

CORAM : K.K.TATED, J.
DATED : AUGUST 5, 2019.

P.C.

Heard learned counsel for applicant.

2. By this civil application, applicant/State of Maharashtra is seeking stay of operation and implementation of judgment and award dated 23.02.2017 passed by learned Civil Judge, Senior Division, Alibag, District-Raigad in LAR No.269/2016.

3. Learned AGP Mrs.Goswami for applicant submits that, the reference Court awarded additional compensation of Rs.68,13,035/- to respondent in respect of acquired land including additional benefit. She submits that compensation awarded by the reference court is on higher side.

4. Learned AGP Mrs.Goswami submits that if entire amount is recovered by Respondent, by filing Execution Application then nothing will survive in present proceeding. She submits that pending the hearing and final disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that, if stay is not granted, irreparable loss will be caused to applicant.

5. Considering the submissions made by learned AGP and impugned Judgment and Award and as the additional compensation awarded by reference court is more than Rs.60,00,000/-, I am satisfied that applicant has made out case for allowing the application. But at the same time, they have to deposit entire awarded amount with interest in reference Court. Hence, following order :-

A) Civil application is allowed in terms of prayer clause (b) which is reproduced as below, on condition that, applicant to deposit the entire amount with interest in the reference Court, on or before 5.10.2019 failing which civil application shall stand dismissed without referring back to the court.

b) That this Hon'ble Court be pleased to stay

the operation and/or execution and/or implementation of the Judgment and Award dated 23.2.2017 passed by the learned Civil Judge, Senior Division, Alibag, District-Raigad in LAR No.269/2016 till the hearing and final disposal of abovementioned First appeal.

B) If the entire amount is deposited within stipulated time, reference Court is directed to invest entire amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of further amount and that application will be decided on its own merits.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)

