

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3241/2019
in
First Appeal (ST) No.16865/2019

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, AGP for the Applicant

CORAM: K.K.TATED, J.
DATED : OCTOBER 14, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 11.09.2017 passed by the Civil Judge, Senior Division Alibaug in LAR No.184/2016 holding that the Respondent-Claimant is entitled to additional compensation in respect of the acquired land.

2 The learned AGP submit that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

3 Considering the submissions made by the learned AGP for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application, however, on deposit of the entire awarded amount in the Reference Court on or before 13.12.2019.

4 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 13.12.2019, failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

“(b) that this Hon'ble Court be pleased to stay the execution, operation and implementation of the judgment and award dated 11.09.2017 passed by the learned Civil Judge, Senior Division, Nashik in LAR No.184/2016 till the hearing and final disposal of the abovementioned First Appeal.”

b. The Tribunal 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. No order as to costs.

(K.K.TATED, J.)