

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.741/2016
in
First Appeal (ST) No. 18736/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. U. B. Nighot I/b. D. D. Shinde for the Applicant Mrs. Tanaya Goswami, AGP for Respondent Nos.2 and 3.

CORAM: K.K.TATED, J.
DATED : AUGUST 28, 2019

P.C.

1 Heard. None for Respondent No.1 though duly served.

2 By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 25.09.2014 passed by the Reference Court in LAR No.681/2002 awarding compensation in respect of the acquired land.

3 The learned counsel for the Applicant submits that as per order dated 25.02.2016 passed by this court, they have already deposited the entire awarded amount in the Reference Court.

The statement is accepted. He submits that till 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. He submits that if the entire amount is withdrawn by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

4 Considering the submissions made by the learned counsel 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.

5 Hence, following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) Pending the hearing and final disposal of above First Appeal, an operation, execution and implementation of impugned judgment and award dated 25.09.2014 passed by the Learned District Judge - 17, Pune in Reference Petition No.681/2002, be kindly stayed.”

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.

e. No order as to costs.

(K.K.TATED, J.)