

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1127 OF 2018
IN
FIRST APPEAL STAMP NO. 19805 OF 2017

The State of Maharashtra .. Applicant
Vs.

Smt.Jomubai Rajaram Kharkar
since deceased thru. Legal heir
Shri Raghunath Dhau Kharkar and ors. .. Respondents

Ms.Tanaya Goswami, AGP for State.
Ms.Deepa Punde I/b Mr.Sachin S.Punde, for Respondents No.
1.1 & 2.1.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel for parties.

2. By this Civil Application, applicant is seeking stay of the operation and implementation of the impugned Judgment and Award dated 22/04/2016 passed by Civil Judge, Senior Division, Alibag District Raigad in Land Acquisition Reference

No. 374 of 2000.

3. Learned AGP for the applicant submits that it remained on their part to deposit entire awarded amount in Reference Court as per earlier order dated 11/02/2019. She submits that time may be extended to comply order dated 11/02/2019.

4. Considering the submissions made by learned AGP for applicant and earlier order dated 11/02/2019, following order is passed.

ORDER

(i) Civil Application is allowed in terms of prayer clause (b) which reads thus :

“that this Hon'ble Court be pleased to stay the operation and/or execution and/or implementation of the Judgment and Award dated 22/04/2016 passed by the Learned Civil Judge, Senior Division, Alibag, District Raigad in L.A.R. No. 374 of 2000 (Old L.A.R. No. 130/89 (477/1989), till the hearing and final disposal of the above mentioned First Appeal.”

on condition that applicant to deposit the entire awarded

amount along with interest in Reference Court on or before 27/09/2019, failing which Civil application shall stand dismissed without further reference to the Court.

(ii) If the amount is deposited within the stipulated time as stated above, the Reference Court is directed to invest the awarded amount in a Fixed Deposit account in any Nationalised Bank, initially for a period of one year and same shall be renewed till further orders.

(iii) Liberty is granted to the respondents - original claimants, if they so desire, to prefer an application for withdrawal of the amount and that application to be decided on its own merits.

5. Civil Application stands disposed of. No order as to costs.

(K.K.TATED, J.)