

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.739/2010
in
First Appeal (ST) No.13911/2007

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
Mr. Abhijeet Singh I/b. P. H. Potnis for the Respondent

CORAM : K.K.TATED.J.
DATED : JUNE 24, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 26.06.2006 passed by the 11th Adhoc Additional District Judge Pune in LAR No.73/1992 awarding additional compensation in respect of the acquired land.

3 Learned AGP submits that in the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent - claimant's land for Mula Mutha Right Bank from Indapur, Dist. Pune. He submits that after following due process of law, the SLAO

vide award dated 31.03.1991 awarded compensation in respect of the acquired land @ 20,000 per hector. He submits that being aggrieved by the said award, the Respondent-Claimant filed reference u/s.18 of the said Act wherein the Reference Court awarded compensation in respect of the acquired land @ 3 lacs per hector.

4 Learned AGP submits that while passing the award, the Reference Court has failed to consider the sale instance on record. He submits that they have good chance of success in the matter. He submits that if the entire amount is recovered by the claimants by filing Execution Application then nothing will survive in the present proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the First Appeal.

5 On the other hand, the learned counsel for the Respondent-Claimant submits that if this Hon'ble Court is of the view that the stay may be granted, then the Appellant may be directed to deposit the

entire awarded amount in the Reference Court.

6 Considering the submissions made by the learned AGP and the impugned judgment and award, 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 in the Reference Court on or before 30.09.2019 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 operation and implementation of the judgment and award passed by the 11th Adhoc Additional District Judge, Pune on 26.06.2006 in the abovementioned LAR till the hearing and final disposal of the above mentioned Civil Application.

b. If the amount is deposited within stipulated time as stated hereinabove the Reference Court 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.

(K.K.TATED, J.)