

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2430 OF 2019
IN
FIRST APPEAL (ST.) NO.19123 OF 2019**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.T.J.Pandian for the applicant

Ms.Sapana Rachure for the respondent no.1

**CORAM : K. K. TATED, J
DATE : JULY 10, 2019**

P.C.:

. Not on board. At the request of the learned counsel for the applicant, matter is taken on production board as per praecipe.

2 Heard.

3 By this Civil Application, Applicant is seeking stay of the operation and implementation of the judgment and award dated 21.07.2018 passed by Reference Court in L.A.R.No.59 of 2001 holding that Respondent

original Claimant is entitled additional compensation in respect of acquired land.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed Execution Application for recovery of entire amount. He submits that in Execution Application, executing court passed attachment order and pursuant to that, they attached their property on 06.07.2019. Hence there is urgency.

5 The learned counsel for the Applicant submits that he received instruction from his client that they are ready and willing to deposit entire awarded amount in the Reference Court on or before 30.09.2019. He submits that in the interest of Justice, this Hon'ble court be pleased to stay the impugned judgment and award till the hearing and final disposal of the First Appeal. He submits that during the pendency of the present proceeding, attachment made by the Respondent Claimant be vacated.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Applicant are ready and willing to deposit entire awarded amount on or before 30.9.2019, I am satisfied that the Applicant has made out

a case for allowing the Civil Application.
Hence, following order is passed:

A. Civil Application is allowed on condition that Applicant to deposit entire awarded amount along with interest and cost if any, in the Reference Court on or before 30.09.2019 failing which Civil Application shall stand dismissed without referring back to the court.

Prayer clause (a) reads thus:

"a) That this Hon'ble Court be pleased to stay the operation, effect & execution of the Impugned Judgment/decreed dated 21-07-2018 passed by the Reference Court i.e. Civil Judge (Senior Division) Alibag in LAR No.59 of 2001 including the Order dated 18-4-2019 passed by the Reference Court in Special Darkhasts No.187 of 2018."

B. If amount is deposited within stipulated time as stated hereinabove Reference Court is directed to invest the entire amount in fixed deposit of any nationalized bank initially for a period

of one year and same be continued till further orders.

- C. Liberty granted to the Respondent original Claimant to prefer appropriate application for withdrawal of amount, if they so desire, and that application be decided on its own merits.
- D. Civil Application stands disposed of accordingly.
- E. No order as to costs.

(K.K.TATED, J.)