

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3784/2015

in

First Appeal No.1205/2015

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A. R. Patil, AGP for the Appellant

CORAM : K.K.TATED, J.
DATED : JUNE 13, 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 05.05.2014 passed by the Civil Judge, Senior Division, Sindhudurg at Oros in LAR No.14/2006.

2 The learned AGP for the Applicant submits that in the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 on 30.12.1999 for acquiring the Respondent's land situated at village Shirval, Tq. Kankavali, Dist. Sindhudurg for construction of security station of Puchh Canal. He submits that after following due process of law, the SLAO declared award u/s.11 of the said act on 17.01.2003 in respect of the acquired land. He submits that being aggrieved by the said Award, the Respondent-Claimant filed the Reference u/s.18 of the said Act on 30.09.2005 and claimed additional compensation of Rs.4,26,876.90.

3 The learned AGP submits that the Reference Court has failed to consider the fact that, the Respondent-Claimant has failed to produce a single document to show that they are entitled to additional compensation in respect of the acquired land. He submits that the Reference Court, by the judgment and award dated 15.05.2014 had awarded compensation in respect of the acquired land @ Rs.600/- per Are and all other statutory benefits payable u/s.23(2) and 23(1-A) with interest @ 9% p.a. u/s.28 of the said Act. He submits that the Applicant has good chance of success in the matter

3 The learned AGP submits that in the interest of justice, this Hon'ble Court be pleased to stay the impugned judgment and award till hearing and final disposal of the first appeal. He submits that if stay is not granted irreparable loss will be caused to them.

4 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, execution and implementation of the impugned judgment and award dated 05.05.2014 passed by the learned Civil Judge, Senior Division, Sindhudurg in LAR No.14/2006 till the hearing and final disposal of the above mentioned first appeal.

- b) The Tribunal is directed to invest the awarded amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.
- c) The respondent - claimant is granted liberty to take out appropriate application for withdrawal of the awarded amount which shall be decided on merits on its own merits.
- d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)