

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.3785/2015
IN
First Appeal No.1206/2015

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. G. Patil, AGP for the applicant

CORAM : K.K.TATED, J.
DATED : JUNE 10, 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 21.05.2013 passed by the Civil Judge, S.D. Oros at Sindhudurg in LAR No.49/1999 holding that the respondent - claimant is entitled to claim sum of Rs.5,58,834/- by way of compensation.

2 The learned AGP for the applicant submits that in the present proceedings, the SLAO had issued Notification u/s.4 of the Land Acquisition Act, for acquiring the respondent - claimants land situated at village Oros, Tq. Kudal, Dist. Sindhudurg. He submits that after following due process of law, the SLAO declared the award u/s.11 and awarded sum of Rs.64,372/-. He submits that being aggrieved by the said award, the

respondent -claimant preferred a Reference u/s.18 of the said Act wherein the Reference Court, vide its judgment and award dated 08.08.2013 held that the respondent claimants are entitled to sum of Rs.5,58,834/- as additional compensation in respect of the acquired land.

3 The learned AGP submits that the Reference court has erred in coming to the conclusion that the respondent claimants are entitled to sum of Rs.5,58,834/- as additional compensation in respect of the acquired land. He submits that the applicant has good chance of success in the matter. He submits that if the entire amount is recovered in the execution application, nothing will survive in the present proceedings. He submits that the applicant is ready and willing to deposit the entire awarded amount in the Tribunal on or before 30.09.2019. The statement is accepted.

4 Considering the submission 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) which is reproduced below, subject to the applicant depositing the

entire awarded amount in the Tribunal, along with interest, if any, on or before 30th September 2019, failing which the Civil Application shall stand dismissed without further reference to the court.

“(b) that this Hon’ble Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 21.05.2013 passed by the Learned Joint Civil Judge, Senior Division, Sindhudurg – Oros in L.A.R.No.49 of 1999, 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 its own merits.

d. The civil application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)