

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4165/2016
in
First Appeal (ST) No.26028/2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mrs. Tanaya Goswami, AGP for the Applicant	

CORAM: K.K.TATED, J.
DATED : AUGUST 13, 2019

P.C.

1 Heard.

2 By this Civil Application the Applicant is seeking stay to the operation and implementation of the judgment and award dated 02.03.2009 passed by the Civil Judge, Senior Division, Tq. Barshi, Dist. Solapur in LAR No.66/2002 holding that the Respondent-Claimant is entitled to additional compensation in respect of the acquired land to the tune of Rs.1,42,000/-.

3 The 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 percolation tank from Village Khandvi, Tq. Barshi, Dist. Solapur. She submits that after following due process of law, the SLAO passed award under section 11 of the said Act on 31.03.1989 and granted compensation of Rs.17,370/- by way of additional compensation to the Respondent-Claimant. She submits that the Respondent being aggrieved by the said Award filed Reference u/s.18 of the said Act and claimed additional compensation of Rs.1 lac. She submits that the Reference Court, without considering the evidence on record held that the Respondent-Claimant is entitled to the additional compensation. She submits that they have good chance of success in the matter. She submits that if the entire amount is recovered by the claimants then nothing will survive in the present proceedings. She 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.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application and as the Reference Court has awarded additional compensation, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant has to deposit the entire awarded amount in the Reference Court on or before 18.10.2019.

5 Hence, 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 along with interest and costs in the Tribunal on or before 20.07.2019, 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/or execution and/or implementation of the judgment and award dated 02.03.2009 passed by the learned Civil Judge, Senior Division, Barshi, Dist. Solapur in L.A.R.No.66/2002 till

the hearing and final disposal of the abovementioned First Appeal.”

- b. The Tribunal 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.
- d. No order as to costs.

(K.K.TATED, J.)