

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2557/2015
in
First Appeal No.858/2015

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

CORAM : K.K.TATED, J.
DATED : JULY 15, 2019

P.C.

1 Heard. By Civil Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 29.06.2013 passed by the Civil Judge, Senior Division, Sindhudurg at Oros in LAR No.53/1999.

2 The learned AGP submits that the Special Land Acquisition Officer had issued Notification u/s.4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) dated 13.06.1991 for acquiring the Respondent's land from village Kurli, Tq. Vaibhavwadi, Dist. Sindhudurg for submersion area of Deogad Medium

Irrigation Project. She submits that after following due process of law, the Special Land Acquisition Officer passed award dated 30.03.1995 u/s.11 of the said Act and awarded compensation in respect of the acquired property Rs.4,99,110/- and Rs.1,54,455/- land. He submits that the Respondent - Claimant preferred Reference u/s.18 of the said Act. She submits that the Reference Court, by judgment and award dated 29.06.2013 awarded additional compensation @ Rs.1000/- per Are and Rs.150/- per Are without considering the evidence on record. The learned AGP submits that though several sale instances were placed on record before the Reference Court, the Reference Court only relied on the judgment and award in LAR No.253/1997 dated 26.08.2005 and LAR No.4/1989 dated 21.02.1991 holding that the Respondent - Claimants are entitled to additional compensation. She submits that they have good chance of success in the matter. She submits that pending the hearing and final disposal of the First Appeal, the the operation and implementation of the impugned judgment and award be stayed.

3 The learned AGP submits that their office has received letter dated 27.09.2018 from the concerned Special Land Acquisition Officer that they have already deposited sum of Rs.5,14,965/- in the Reference Court by cheque dated 06.4.2016. The statement made by the learned AGP is accepted.

4 Considering the submissions made by the learned AGP and as the entire awarded amount is deposited in the Reference Court, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order:

a) The Civil Application is allowed in terms of prayer clause (b) which reads thus:

“(b) that this Hon'ble Court be pleased to stay the operation, execution and implementation of judgment and award dated 29.06.2013 passed by the learned Civil Judge, Senior Division, Sindhudurg Oros in LAR No.53/1999 till the hearing and final disposal of the above mentioned First Appeal.: ”

b) The Tribunal is directed to invest the award 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) Civil application stands allowed accordingly.

(K.K.TATED, J.)