

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.903/2015
in
First Appeal (ST) No.31140/2013

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. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 23.04.2013 passed by the Civil Judge, Senior Division, Stara in LAR No.128/2012 holding that the Respondent-Claimants are entitled to additional compensation in respect of the acquired land to the tune of Rs.3,95,752/-.

2 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 situated at Sakharwadi (Pimpalwadi), Tq. Phaltan, Dist. Satara for the purpose of water supply scheme for storage and supply of drinking water. The Special Land Acquisition Officer declared award on 12.09.2001 and awarded compensation in respect of the acquired land. She submits that the Respondent-Claimant being aggrieved by the said award u/s.11 of the said Act preferred Reference for additional compensation wherein the Reference Court has granted additional compensation.

3 The learned AGP submits that the compensation awarded by the Reference Court is on higher side. She submits that they have good chance of success in the matter. She submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application and stay the operation and implementation of the impugned judgment and award. She submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

4 Considering the submissions made by the learned counsel for the Applicant 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.

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 Reference Court, on or before 18.10.2019 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 judgment and award dated 23.04.2013 passed by the learned Joint Civil Judge, Senior Division, Satara in LAR No.128/2012 till the hearing and final disposal of the above mentioned First Appeal.”

b. The Reference Court is directed to invest the 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.

e. No order as to costs.

(K.K.TATED, J.)