

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2032 OF 2016**

The State of Maharashtra and Anr. .. Applicants
Versus
Shri. Murlidhar Krishna Jadhaver & Anr. .. Respondents

Ms. Tanaya Goswami, AGP for applicant.

**CORAM : K.K. TATED, J.
DATE : 11 MARCH 2019.**

P.C:-

1. Heard learned Counsel for applicant.
2. By this civil application, applicant-State of Maharashtra is seeking stay of the operation and implementation of the impugned judgment and award dated 05.04.2010 passed by Civil Judge, Senior Division, Barshi, Dist. Solapur in L.A.R. No.481 of 2002.
3. Learned AGP for applicant submits that in the present proceedings they issued notice under Section 4 of Land Acquisition Act for acquiring respondents/original claimant's land from village Borgaon, Taluka Barshi, Dist. Solapur for the purpose of Babhulgaon Medium Project. He submits that after following due process of law the Special Land Acquisition Officer passed an award and granted compensation of Rs.56,926/- to the

respondents. He submits that being aggrieved by the said award, the respondent/original claimants preferred reference under Section 18 of the Land Acquisition Act. He submits that reference Court awarded additional compensation of Rs.20,273/-.

4. Learned AGP submits that at the time of awarding additional compensation, the reference Court has not considered the sale deeds on record. Hence, they have good chance of success in the present matter.

5. The learned AGP 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 dated 15.04.2010 during the pendency of the First Appeal. He submits that if stay is not granted, irreparable loss will cause to them.

6. Considering the submissions made by learned Counsel for the applicant, averments made in civil application, I am satisfied that the applicant has made out case for allowing this civil application. Hence, following order :-

- a) Operation and implementation of impugned judgment and award dated 05.04.2010 passed by Civil Judge, Senior Division, Barshi in L.A.R. No.481 of 2002 is stayed till the hearing and final disposal of First Appeal on

condition that the applicant to deposit the entire amount including with interest within 16 weeks from today with reference Court, failing which civil application shall stand dismissed without reference to the Court.

b) If amount is deposited within stipulated time, liberty granted to the respondent/claimant to withdraw the entire amount by furnishing security to the trial Court within 8 weeks thereafter.

c) If the amount is not withdrawn within stipulated time as stated above, the trial Court is directed to invest the said amount in Fixed deposit of any nationalize bank for a period of one year and same to be continued till the hearing and final disposal of the First Appeal.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K. TATED, J.)