

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3861 OF 2018
IN
FIRST APPEAL (ST) NO.29667 OF 2018**

The Executive Engineer, Nandur

Madhameshwar Canal

.. Applicant

Versus

Shri. Panditrao Bhaskar Gaikwad and Anr.

.. Respondents

Mrs. Chaitrali Deshmukh for applicant.

Mrs. Vrushali Raje I/b P.N. Joshi for respondent No.1.

Mrs. Tanaya Goswami, AGP for respondent No.2.

CORAM : K.K. TATED, J.

DATE : 11 MARCH 2019.

P.C:-

. Heard learned Counsel for parties.

2. By this civil application, applicant is seeking stay of the judgment and award dated 28.04.2015 passed by the Civil Judge, Senior Division, Niphad in Land Acquisition Reference No.15 of 2011.

3. The learned Counsel for the applicant submits that as per earlier order passed by this Court they already deposited

entire decreetal amount in the reference Court. Statement is accepted.

4. The learned Counsel for the applicant submits that as the entire amount is deposited in reference Court, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 28.04.2011 passed in L.A.R. No.15/2011

5. 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 following order :-

a) Operation and implementation of the impugned judgment and award dated 28.04.2015 passed by the learned Civil Judge, Senior Division, Niphad in L.A.R. No.15 of 2011 is stayed.

b) Trial Court is directed to invest the entire amount in Fixed Deposit of any nationalized bank for a period of one year and will continue till further orders.

c) Liberty granted to the respondent/original claimant, if they so desire, to take out appropriate application for withdrawal of the amount and that application be decided on its own merits.

d) Civil application stands disposed of accordingly.

(K.K. TATED, J.)