

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4032 OF 2017
IN
FIRST APPEAL (STAMP) NO. 33030 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Tanaya Goswami, AGP for the Applicants.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Heard learned AGP for the Applicants.
2. By this Civil Application, the Applicants are seeking stay of the operation and implementation of the impugned Judgment and Award dated 29.04.2014 passed by the learned 2nd Joint Civil Judge, Senior Division, Nashik in L. A. R. No. 133 of 2006 awarding additional compensation in respect of the acquired land.
3. Learned AGP submits that they have already deposited the entire amount in the Reference Court along with interest on 23.10.2018. She submits that if the entire amount is withdrawn by the Respondent-original Claimant, then nothing will survive in the present proceeding. She submits that they have good chance of success in the First Appeal. She submits that pending the hearing and final disposal of First Appeal, this Hon'ble

Court be pleased to stay the operation and implementation of the impugned Judgment and Award passed by the Reference Court.

4. Considering the submission made by learned AGP and as the entire amount is deposited by them on 23.10.2018, I am satisfied that the Applicant has made out case for following order:

(i) 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 and/or execution and/or implementation of the Judgment and Award dated 29.04.2014 passed by the Learned 2nd Joint Civil Judge, Senior Division, Nashik in L. A. R. No. 133 of 2006 till the hearing and final disposal of the above mentioned First Appeal.”

(ii) The Reference Court is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.

(iii) Liberty granted to the Respondent-original Claimant, if she so desires, to prefer an appropriate application for withdrawal of amount, which will be decided on its own merits.

(iv) Civil Application stands disposed of accordingly.

[K. K. TATED, J.]