

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 394 OF 2023
IN
FIRST APPEAL NO.6 OF 2022

THE DEPUTY COLLECTOR, S.D.O.II, (LAO),
MARGAO AND ANR. Applicants.
VS
SHARMA B. V. COUTINHORespondent.

Mr. P. Faldessai, Addl. Govt. Advocate for the Applicants.

CORAM: PRAKASH D NAIK, J

DATED: 26th September 2023

P.C.

1. The applicants have preferred First Appeal No. 6/2022 under Section 96 of the CPC against the judgment and award dated 31.8.2019 passed in Land Acquisition Case No.27/2018 by the Court of District Judge Margao Goa.
2. Appeal is admitted by this Court vide order dated 28.7.2023. Appellants preferred Civil Application No.6/2022 seeking stay to the execution and operation of the impugned judgment and award dated 31.8.2019 passed by District Judge, Margao in Land Acquisition Case No.27/2018. Vide order dated 28.7.2023 stay was granted to the execution of the impugned judgment and award dated 31.8.2019 in Land Acquisition Case No. 27/2018 pending final disposal of the

appeal subject to appellants depositing entire awarded amount in this Court within four weeks. It was further directed that if amount is not deposited, the stay granted to stand vacated without further reference to this Court.

3. The applicants have preferred this application for extension of time to comply he order dated 28.7.2023.

4. Learned Addl. Govt. Advocate Mr. P. Faldessai, submitted that order dated 28.7.2023 was sent to the applicant no.1 for computation of compensation amount. Vide letter dated 16.8.2023 applicant no. 2 received calculation sheet from applicant no.1. On 16.8.2023 the file was forwarded to Government for approval. Approval was received on 21.8.2023. The total amount that will have to be deposited in the present matter is a large amount and hence, applicants may be permitted to deposit the same in instalments. The applicants would deposit the said amount in 9 instalments within two months. Copy of the cheque dated 24.8.2023 bearing No. 204538 for an amount of Rs.5 crores drawn on State Bank of India, Treasury Branch payable to the Registrar of High Court is annexed to this application. Registry may be directed to accept the cheque as an amount deposited by way of first instalment. It is submitted that Registry may be directed to accept the cheque in nine instalments and two months time may be granted to the applicants for depositing the awarded amount.

5. Considering the submissions, I pass following:

ORDER

- (i) Time to deposit the amount in accordance with order dated 28.7.2023 passed by this Court in Civil Application No.6/2022 is extended by two months from today.
- (ii) Registry shall accept the cheque of Rs.5 crores to be deposited by the applicants within one week from the date of uploading this Order.
- (iii) Applicants are permitted to deposit balance amount within a period of two months from the date of uploading of this order in 9 instalments.
- (iv) Application stands disposed of.

PRAKASH D. NAIK, J.

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