



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4000 OF 2021
IN
FIRST APPEAL (ST) NO.3190 OF 2021

The State of Maharashtra through the Deputy
Collector (Land Acquisition) & Anr.

...Applicants

In the Matter Between:

The State of Maharashtra through the Deputy
Collector (Land Acquisition) & Anr.

...Appellants

Versus

Shripad Sudam @ Sudha Mhatre deceased
through LRs. Mr. Padmakar Shripad Mhatre &
Ors.

...Respondents

Ms. Tanaya Goswami, AGP, for the Applicant/State.

CORAM Dr. Neela Gokhale, J.

DATED: 11th January 2024

PC:-

1. The application seeks stay of the operation/execution/implementation of judgment and award dated 4th May 2019 which is impugned in the first appeal. Ms. Goswami, learned AGP says that the reference Court erred in holding the claimant as entitled to all other statutory benefits of the 12% additional component payable under the relevant provisions of Land Acquisition Act as well as 30% solatium and interest @ 9% per annum on the amount from the date

of possession of acquired land with further interest of 15% per annum till realization of the entire amount of compensation.

2. Ms. Goswami, learned AGP says that she has sanguine hopes of success in the present appeal and if stay is not granted the Applicant will suffer irreparable loss. The balance of convenience lies in favour of the applicant. In view of the averments in the application as well as submissions made by the learned Additional Government Pleader, I am satisfied that the judgment and award impugned in the present appeal is required to be stayed during the pendency of the appeal.

3. Hence, interim relief in terms of clause (b) of the application is granted subject to the applicant depositing the entire decretal amount with interest till the date of deposit in the reference Court at Raigad Alibaug, if not already deposited. The said amount is to be deposited within a period of 12 weeks from today.

4. The application is disposed of accordingly.

(Dr. Neela Gokhale, J)