

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 120 OF 2021
WITH
INTERIM APPLICATION NO. 121 OF 2021
IN
FIRST APPEAL (ST) NO. 94812 OF 2020**

The State of Maharashtra through The Special
Land Acquisition Officer, Uran, Raigad

**...Applicant/
Appellant**

Versus

Shri. Shantaram Jagannath Kadu

...Respondent

Ms. Tanaya Goswami, AGP, for the Applicant/Appellant.
None present for the Respondent.

CORAM Dr. Neela Gokhale, J.
DATED: 11th January 2024

PC:-

INTERIM APPLICATION NO. 120 OF 2021 :

1. This is an application seeking condonation of delay of 179 days in preferring the First Appeal against the judgement and award dated 14th January 2020 passed by the learned 2nd Joint Civil Judge, Senior Division, Alibag, Raigad in Land Reference No. 195 of 2016.

2. An office note on record states that as per the guidelines of the Supreme Court of India in *suo-motu* Writ Petition (Civil) No. 3 of 2020 dated 23rd March 2020, First Appeal (Stamp) No. 94812 of 2020 is to be considered as filed within limitation.
3. In view of the office note and directions of the Supreme Court of India, the application for condonation of delay does not survive. Hence, the application stands disposed accordingly.
4. The First Appeal is thus directed to be registered.

INTERIM APPLICATION NO. 121 OF 2021 :

1. This is an application seeking stay of the operation/execution/implementation of the judgement and award dated 14th January 2020 passed by the learned 2nd Joint Civil Judge, Senior Division, Alibag, Raigad in Land Reference No. 195 of 2016 during pendency of the First Appeal.
2. Ms. Tanaya Goswami, learned AGP appearing for the Applicant/Appellant-State says that the decretal amount with the interest till the date of deposit of the amount, is already deposited with the referral Court at Raigad, Alibag.
3. In these circumstances, she states that the balance of convenience is in her favour and in case the stay is not granted despite depositing the amount, irreparable loss will be caused to the Applicant/Appellant-State.

4. On the basis of a *prima-facie* consideration of the grounds raised in First Appeal, the large claims involved in the appeals and possible financial loss to the Ex-chequer, it is necessary in the interest of justice to stay the impugned judgement and award during pendency of the proceedings. The 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 judgement and award dated 14th January 2020 passed by the learned 2nd Joint Civil Judge, Senior Division, Raigad, Alibag in Land Reference No. 195 of 2016, till the hearing and final disposal of the above mentioned First Appeal.”

5. The application stands disposed accordingly.

(Dr. Neela Gokhale, J.)

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