

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

FIRST APPEAL (ST) NO.15664 OF 2024

Central Railway Deputy Chief
Engineer (Construction) Panvel
V/S.

... Appellant

Govind Bhau Patil & Anr.

... Respondents

WITH

INTERIM APPLICATION NO.10189 OF 2024

WITH

INTERIM APPLICATION NO.10190 OF 2024

Ms. Leena Patil for the Appellant.

Mr. Vishal B. Navale for the Respondent No.1.

Mr. A. R. Patil, Addl. GP for Respondent No.2-State.

CORAM : ARIF S. DOCTOR, J.

DATE : 17th DECEMBER 2024

P.C. :

1. The present First Appeal arises out of proceedings taken under the Land Acquisition Act 1894, by which the Respondents' lands had been acquired for the purposes of Panvel-Karjat Railway Line. The Appellant (Union) is aggrieved by the order granting compensation and thus this Appeal therefrom. Learned Counsel for the Appellant submits that in identical Appeals, this Court had on 9th February 2024 passed the following order:

"1. Since there is an undertaking to deposit the amount within

ten weeks, there shall be stay to the effect, operation and operation of the impugned judgment and awards.

2. The Applications stand disposed of.

3. This Court had already condoned the delay in similar matters from the Railway by order dated 25th September, 2023, after hearing the parties.

4. If the amount is not deposited in ten weeks, the stay shall stand vacated. If the amount is deposited in Reference Court, the claimants shall be at liberty withdrew the 50% amount by giving an undertaking that in case the Appeal is allowed, they shall redeposit the said amount with interest till the date of depositing of the amount. Remaining 50% shall be withdrawn by giving security to the satisfaction of the Reference Court."

2. She thus requests the same be passed in the present case since the facts are identical.

3. Learned Counsel for the Respondents does not dispute that the facts are identical. Hence, given the view taken by this Court on 9th February 2024 in the above extracted Order, the same shall also apply in the present case.

4. Therefore, there will be a stay to the operation of Judgment and Award dated 20th July 2019.

5. The Interim Application No. 10190 of 2024 is disposed of in the aforesaid terms.

6. The Union is to deposit the amount in 10 weeks from today. In the event the said amount is not deposited, the stay granted shall be vacated forthwith.

7. If the amount is deposited in the reference Court, the Respondents herein shall be at liberty to withdraw the 50% of the amount by giving an undertaking that in case the appeal is allowed, they shall redeposit the said amount with interest till the date of depositing the amount. Remaining 50% amount shall be withdrawn by giving security to the satisfaction of the Reference Court.

(ARIF S. DOCTOR, J.)