

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

INTERIM APPLICATION NO. 15556 OF 2024

Central Railway Thr.Dy.Chief

Engineer (Construction)

... Applicant

V/S.

Arunkumar Mathuradas Thakkar & Anr.

... Respondents

Mr. Jenish Jain i/b Dr. Uday P. Warunjikar for Applicant.

Mr. Sachin Punde for Respondent No1.

CORAM : ARIF S. DOCTOR, J.

DATE : 14th DECEMBER 2024

P.C. :

1. The present Interim Application is seeking stay to the effect and operation as well as execution of judgment and decree passed by Civil Judge Senior Division, Alibaug, District Raigad dated 13.12.2023 in Land acquisition reference No.59/2023.

2. The learned Counsel for the Applicant submits that the entire decretal amount along with accrued interest will be deposited in the Reference Court within a period of four weeks from today.

3. As the decretal amount along with accrued interest is being

deposited, there shall be stay to the effect and operation as well as execution of judgment and decree passed on 13.12.2023.

4. Upon the amount deposited by the Applicant, the original claimant will be entitled to withdraw the amount compensation subject to furnishing of Solvent Surety / Bank Guarantee to the satisfaction of the Reference Court. The Reference Court shall grant opportunity of hearing to all the parties before accepting the Solvent Surety / Bank Guarantee. In the even, there is no deposit made. The stay granted would be stand vacated immediately.

5. In even the application for withdrawal of compensation is not made by the claimant within a period of three months, then the amount deposited by the applicant shall be invested by the Reference Court in Fixed Deposit in any National Bank initially for a period of one year and thereafter renew the same subject to the orders of this Court.

6. The Application is allowed in the above terms.

(ARIF S. DOCTOR, J.)