

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4317 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 2 of 2023****In R/FIRST APPEAL NO. 4317 of 2023**

=====

DEPUTY COLLECTOR AND SPECIAL LAND ACQUISITION AND
REHABILITATION OFFICER

Versus

THAKORE HIRUJI DAHYAJI

=====

Appearance:

MR. TRUPESH KATHIRIYA, AGP for the Appellant(s) No. 1,2,3

MR RAKESH R PATEL(3239) for the Defendant(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE ASHUTOSH SHASTRI

and

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 06/10/2023

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE ASHUTOSH SHASTRI)

When the matter is taken up for hearing, learned advocate Mr. Rakesh R. Patel appearing for the defendant No.1 has submitted that identical matter i.e. First Appeal No.4235 of 2023 with Civil Application No.2 of 2023 is already entertained by the Court. In view of this undisputed submission, following order is passed:-

ORDER IN FIRST APPEAL

Heard learned AGP for the appellants and learned advocate Mr. Rakesh R. Patel for the respondent.

ADMIT. Learned advocate Mr. Rakesh Patel waives service of notice of admission for and on behalf of the respondent.

ORDER IN CIVIL APPLICATION

Heard learned AGP for the applicants and learned advocate Mr. Rakesh R. Patel for the respondent.

Considering the submissions canvassed and the averments made in the application, there shall be stay of the execution, implementation and operation of the impugned judgment and award dated 01.04.2022 passed by the learned Additional Senior Civil Judge, Deesa at Banaskantha, in L.A.Q. Nos.60 & 62 of 2011, on the condition that the applicants shall deposit the entire awarded amount within a period of eight weeks from today before the concerned Reference Court. The civil application stands allowed accordingly.

Liberty to apply for disbursement of the amount by way of moving an appropriate application after some reasonable period of time.

(ASHUTOSH SHASTRI, J.)

(HEMANT M. PRACHCHHAK, J.)

DHARMENDRA KUMAR