

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2758 OF 2012
IN
FAST/2668/2012

GODHAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, AURANGABAD
VERSUS
NAIMOEDDIN HAMID MIYA AND ORS

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Advocate for Applicant : Mr. Biradar R.D.
Mr. BL Dhas, AGP for Respondent/State

CORAM : K.K.TATED, J.
DATE : 2nd September, 2014.

PER COURT :

- 1) Heard learned counsel for applicant and learned AGP for Respondent Nos. 2 and 3.
- 2) This Civil Application is preferred by original respondent No.3/acquiring body for stay of operation and implementation of impugned Judgment and Award dated 7th May, 2010 passed by the Reference Court in LAR No.36/2003, holding that the respondent/original claimants are entitled enhanced compensation in respect of acquired property @ Rs.1,36,500/- per hectare.
- 3) Learned counsel for applicant submits that if the entire amount is recovered by the respondent/original claimant in Execution application, nothing will survive in the present First Appeal. He submits that in the interest of justice, impugned order be stayed during pendency of present First Appeals.

4) I have heard learned counsel for applicant and learned AGP. Considering the submissions made by learned counsel for applicant and after going through the impugned judgment, it is correct that if the entire amount is recovered, nothing will survive in this first Appeal. I am of the opinion that the applicant has made out case for ad interim relief, but on some terms and conditions. Hence, following order.

A) Rule.

B) Rule made returnable after 10 weeks.

C) In addition to usual mode of service, applicant is permitted to serve the respondent by private notice either by RPAD and or by hand delivery and file affidavit of service to that effect.

D) Operation and implementation of the impugned judgment and Award dated 7th May,2010 passed by Reference Court in LAR No.36/2003 is stayed till next date on condition that the applicant to deposit entire decretal amount along with interest and costs before Reference court within 8 weeks from today, failing which, interim protection shall stand vacated without referring back to the court.

. S.O.ten weeks.

(K.K.TATED, J.)

bdv/