

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) CA NO.2741/2012

**CIVIL APPLICATION NO. 2741/2012 IN FAST/2678/2012**

GODHAVARI MARATHWADA IRRIGATION DEVP. CORP.  
VERSUS  
NASIROEDDIN HAMID MIYA AND ORS

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Advocate for Applicant : Biradar R.D.  
AGP for Respondent for R.2. & 3 :Mr. S.P.Dound.

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CORAM : K. K. TATED, J.  
Dated: September 04, 2014

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PER COURT :-

1. Heard learned Counsel for the applicant.
2. This application is preferred by acquiring body for stay of operation and implementation of the impugned judgment and award dated 7th June, 2010, passed by Joint Civil Judge, Senior Division, Nanded, in LAR No.40/2003. Learned Counsel for the applicant submits that the Reference Court awarded enhanced compensation in respect of the acquired land at the rate of Rs.1,36,500/- per Hectare without considering the sale deeds on record. He further submits that if the entire amount is recovered by the respondents / original claimants in execution, nothing will survive in the civil application. He further submits that the applicants are ready and willing to deposit entire decretal amount in Reference Court within eight weeks from today.
3. Considering the submission made by learned Counsel for

AGP/-

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(2)

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the applicant and averments made in Civil Application, I am satisfied that applicant has made out a case for ad interim relief. Hence, following order:

ORDER

- A. Rule.
- B. Rule made returnable after twelve weeks.
- C. In addition to the usual mode of service, the applicant is permitted to serve respondents by private service either by Regd.Post.Ack.Due and / or by hand delivery and to file affidavit of service.
- D. Operation and implementation of the impugned judgment and award dated 7th June, 2010, passed by the Joint Civil Judge, Senior Division, Nanded, in LAR No.40/2003 is stayed on condition that applicant to deposit the entire decretal amount, including interest and costs in Reference Court within eight weeks from today failing which interim relief shall stand vacated without getting back to the Court.
- E. If the amount is not deposited within stipulated time, as stated hereinabove, the respondents / original claimants are entitled to execute the decree according to law.

( K. K. TATED, J. )

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AGP/-