

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2789 OF 2013
IN
FIRST APPEAL NO.964 OF 2013

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri C.M. Korde, Senior Advocate along with Shri Milind Jadhav and Shri Pruthviraj N.K. i/by Khaitan & Co., for the Applicant.

Shri Purushottam G. Chavan along with Shri V.S. Kalule for Respondent No.1.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 5TH MAY 2015

P.C.:

. Heard learned senior counsel appearing for the Applicant and the learned counsel appearing for the First Respondent.

2. An Appeal where the challenge is made to the Reference under Section 30 of the Land Acquisition Act, 1894 has been admitted. The entire compensation has been ordered to be paid to the First Respondent under the impugned judgment and award. However, from the evidence, we find that the First Respondent has not denied the receipt of

the consideration of Rs.3,14,000/- in respect of the acquired land from the Applicant.

3. We, therefore, dispose of this Application by passing the following order.

ORDER :

(a) It will be open for the First Respondent to withdraw the entire compensation amount save and except the amount of Rs.3,14,000/- with interest payable thereon. However, the withdrawal of the said amount shall be subject to the First Respondent furnishing security to the satisfaction of the Reference Court;

(b) The amount of Rs.3,14,000/- with interest payable thereon shall be invested in Fixed Deposit in some nationalized bank;

(c) The Applicant shall be heard before accepting the security;

(d) The Civil Application is disposed of on above terms.

(C.V. BHADANG, J)

(A.S.OKA, J)