

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2866 OF 2015
IN
FIRST APPEAL NO. 920 OF 2004

Yashwant Kondaji Shinde	...	Applicant
In the matter between		
State of Maharashtra	...	Appellant
Vs.		
Yashwant Kondaji Shinde	...	Respondent

Mr. Sudam Kale, Advocate for the applicant.
Mr. A.R. Patil, AGP for the State.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 29th October, 2015

P.C.:

Leave to amend forthwith.

2. The learned counsel for the applicant/original claimant submitted that the State of Maharashtra has filed this Appeal against the judgment and award dated 9th May, 1997 passed in Land Acquisition Reference No. 831 of 1990 and the amount of compensation is enhanced by Rs.4,63,021/-, which is deposited by the State of Maharashtra in the District Court, Nashik. The learned counsel submitted that the applicant is 75 years old and hence he may be allowed to withdraw the said amount. The learned counsel submitted that the District Court has directed the applicant to furnish bank guarantee to the tune of the

enhanced amount of compensation. The applicant has furnished bank guarantee earlier but he could not withdraw the amount, as the bank put some restrictions and thereafter he did not renew the bank guarantee in the year 2003, therefore, it lapsed. Hence, he seeks order of withdrawal of the said amount from this Court.

3. The learned AGP opposed the Application and insisted that the applicant may be allowed to withdraw the said amount on furnishing solvent surety.

4. In view of the submissions made by the learned counsel for both the parties and considering the age of the applicant/original claimant, the applicant is allowed to withdraw the enhanced principal amount along with interest accrued thereon on furnishing surety to the satisfaction of the trial Court.

5. Civil Application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)