

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1287 OF 2016
IN
FIRST APPEAL NO.42 OF 2016**

**Kolshya Jagya Patil
deceased through legal heirs
Chandrakant Kolshya Patil and ors. : Applicants.**

In the matter between

The State of Maharashtra : Appellant.

Versus

**Kolshya Jagya Patil
deceased through legal heirs
Chandrakant Kolshya Patil and ors. : Respondents.**

**Mr. S Ghaisas i/by Ms. Nayna P Patil for the Applicants.
Mr. A R Patil AGP for the State-original Appellant**

CORAM : R. M. SAVANT, J.

DATE : 05th July 2016

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the State in terms of the award of the Reference Court. The said amount has been deposited in the Court of the learned Civil Judge Senior Division, Alibag, District Raigad.

2 The above First Appeal filed by the State has been admitted and the decretal amount has been deposited by the State in the Reference Court i.e. the Court of the learned Civil Judge Senior Division, Alibag district Raigad.

3 The above Civil Application is accordingly allowed. The Applicants are allowed to withdraw the amount deposited by the State subject to the following directions :-

(I) It will be open for the original claimants to withdraw the amount on furnishing solvent security to the satisfaction of the Reference Court. This is in terms of the order passed by the Division Bench of this Court (A.S.Oka & G.S.Patel, JJ) dated 09/12/2015 in Civil Application No.4005 of 2015 in First Appeal Stamp No.30627 of 2015 on which reliance is placed by the learned counsel for the Applicants.

(II) The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]