

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

Amk

**CIVIL APPLICATION NO. 4066 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14809 OF 2014
WITH
CIVIL APPLICATION NO. 4067 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14828 OF 2014
WITH
CIVIL APPLICATION NO. 4068 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14822 OF 2014
WITH
CIVIL APPLICATION NO. 4069 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14745 OF 2014
WITH
CIVIL APPLICATION NO. 4070 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14740 OF 2014
WITH
CIVIL APPLICATION NO. 4071 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14843 OF 2014
WITH
CIVIL APPLICATION NO. 4072 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14820 OF 2014
WITH
CIVIL APPLICATION NO. 4073 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14816 OF 2014
WITH
CIVIL APPLICATION NO. 4074 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14811 OF 2014
WITH
CIVIL APPLICATION NO. 4075 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14804 OF 2014
WITH
CIVIL APPLICATION NO. 4076 OF 2016
IN**

FIRST APPEAL (STAMP) NO. 14832 OF 2014
WITH
CIVIL APPLICATION NO. 4077 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14807 OF 2014
WITH
CIVIL APPLICATION NO. 4078 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14830 OF 2014
WITH
CIVIL APPLICATION NO. 4079 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14838 OF 2014
WITH
CIVIL APPLICATION NO. 4080 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14794 OF 2014
WITH
CIVIL APPLICATION NO. 4081 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14765 OF 2014
WITH
CIVIL APPLICATION NO. 4082 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14761 OF 2014
WITH
CIVIL APPLICATION NO. 4083 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14758 OF 2014
WITH
CIVIL APPLICATION NO. 4084 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14749 OF 2014
WITH
CIVIL APPLICATION NO. 4085 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14840 OF 2014
WITH
CIVIL APPLICATION NO. 4086 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14768 OF 2014
WITH
CIVIL APPLICATION NO. 4087 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14826 OF 2014

WITH
CIVIL APPLICATION NO. 4088 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14798 OF 2014
WITH
CIVIL APPLICATION NO. 4089 OF 2016
IN
FIRST APPEAL (STAMP) NO. 14824 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. D. D. Shinde for the Appellant.
Mr. Gaurav Potnis for the Respondents.
Mr. Makarand G. Patil, AGP for the State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 19th SEPTEMBER, 2016.

P. C. :

1. These applications are filed by the original claimants seeking withdrawal of the amount of compensation deposited by the Acquiring Body in this case.
2. In order to permit the applicants to allow the withdrawal of the amount it is submitted that this Court will have to go into the merits of the Award passed by the Trial Court. As suggested by this Court and admitted by the learned counsel for the parties, it would serve the interest of justice, if the appeals are heard finally at this stage itself, as the only dispute raised in the appeals relates to the quantum of the compensation amount.
3. However, learned counsel for the applicant-claimants submits

that the applicant-claimants have preferred the appeals. They were unable to pay the Court fees thereon and for that purpose, the applicants may be permitted to withdraw at least some of the amount.

4. Learned counsel for the respondents takes objection to the same. However, considering the needs of the applicant-claimants and also having regard to the fact that only disputed issue is relating to the quantum of the compensation, it is necessary to permit the applicant-claimants to withdraw some of the amount of compensation as deposited by the respondents in the Trial Court.

5. All the applications are, therefore, allowed partly. The applicant-claimants are allowed to withdraw 50% of the amount deposited in the Trial Court subject to usual undertaking but without security.

6. If the appeals are not heard within the period of six months from today, the applicant-claimants are permitted to make an application for the balance amount also on providing solvent surety subject to discretion of the court.

7. The appeals are kept for filing of the compilation of documents and for direction on final hearing on 17.10.2016.

[DR. SHALINI PHANSALKAR-JOSHI, J.]