

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 4323 OF 2015
IN
FIRST APPEAL NO. 464 OF 2014

Shri Kantilal Gulabchand Kothari .. Applicant

In the matter between

The Executive Engineer,
Dhom Kalve Division No.2 Satara .. Appellant

Vs.

Shri Kantilal Gulabchand Kothari .. Respondent

Mr. Vishwanath S. Talkute for the Applicant.

Mr. Kalpesh Patil i/b Mr. V. D. Patil for Respondent No.1.

Ms. Anamika Malhotra, Govt. Pleader for Respondent Nos.2 & 3.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd AUGUST, 2016.

P. C. :

1. This is an application for the withdrawal of the amount, which is deposited by the respondents in this Court, towards the compensation in pursuance of the award passed in land acquisition proceeding.

2. It is submitted by the learned counsel for the applicant that the applicant being the original claimant is entitled to get the said amount, especially, considering that the applicant has also challenged the quantum of compensation.

3. Learned counsel for the respondents have no objection for

the applicant to withdraw the amount subject to condition of the applicant furnishing bank guarantee.

4. The applicant is seeking withdrawal of the amount without furnishing any security. Considering the huge amount and the facts of the case, it is necessary that the applicant should furnish some security in the nature of bank guarantee. Hence, the applicant is permitted to withdraw the entire amount deposited by the respondents in the Court subject to condition that the applicant furnishes bank guarantee of the said amount and subject to usual undertaking.

5. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]