

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

**CIVIL APPLICATION NO.181 OF 2017
IN
FIRST APPEAL NO.37 OF 2015**

Shri.Dattatray Bapu Patil (Surve)
& Ors.

...Applicants

IN THE MATTER BETWEEN :

The Executive Engineer
Versus

...Appellant

1.Dattatray Bapu Patil (Surve) & Ors.

...Respondents

Mr.T.S. Ingale for the Applicants

Mr.V.S. Tadke h/f Mr.D.D. Shinde for Original Appellant.

CORAM : M. S. SONAK, J.

DATE : 27 MARCH 2017

P.C.

1. Upon production, taken on board.
2. The applicants are permitted to withdraw 50% of the compensation amount after furnishing an undertaking to the Reference Court that they shall bring back this amount together with the interest, in case, the appeal instituted by MKVDC, i.e. the acquiring body, is allowed. In respect of the balance compensation,

however, in case, the applicants seek to withdraw the same, the same shall be allowed, against the bank guarantee of a Nationalized Bank. Such bank guarantee should be to the satisfaction of the Reference Court and further, the bank guarantee is to be kept alive until the disposal of the appeal.

3. In case the Reference Court has not already made orders for investment of the amount, the same may be made, so that deposited amount earns some interest. The Civil Application is disposed of.

(M. S. SONAK, J.)