

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 476 OF 2017
IN
FIRST APPEAL NO. 866 OF 2015

Shri Gangaram Mahadeo Gawas	..	Applicant
<u>In the matter between :</u>		
The State of Maharashtra	..	Appellant
VS		
Shri Gangaram Mahadeo Gawas	..	Respondent

Mr. Ajay A. Joshi for Applicant.
Mr. Yogesh Dabke – AGP for Appellant - State.

CORAM : M. S. SONAK, J.
DATE : 16 MARCH 2017

P.C :

- 1] Heard learned counsel for the parties.
- 2] Learned counsel for the applicant submits that the applicant may not be in a position to furnish a bank guarantee.
- 3] The compensation amount is to the extent of Rs.79 lakhs or thereabouts. It will not be safe to permit withdrawal of such amount without any security, since, in case the appeal is allowed, it will be difficult for the State to recover this amount.
- 4] In the aforesaid circumstances, the applicant is permitted to withdraw an amount of Rs.20 Lakhs by furnishing solvent surety to the Reference Court, since, the State has deposited the amount before the Reference Court. The applicant shall also give an undertaking that he shall abide by the final orders that may be passed in this appeal in so far as this amount is concerned.
- 5] Civil application is disposed of in the aforesaid terms.

Chandka

(M. S. SONAK, J.)