

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

CIVIL APPLICATION NO. 2209 OF 2018
IN
FIRST APPEAL NO. 739 OF 2018

State of Maharashtra Through The Special
Land Acquisition Officer & Ors.

...Applicants

V/s.

Shri Kashinath Ramchandra Mhatre & Ors.

...Respondents

WITH
FIRST APPEAL NO. 276 OF 2016

The City Survey Officer of (CIDCO)
City & Industrial Development Corporation Ltd. and Anr. ...Appellants

V/s.

Shri Kashinath Ramchandra Mhatre & Ors.

...Respondents

Mr. A. R. Patil, Additional G.P for applicant in CAF 2209 of 2018.
Mr. R. M. Haridas i/b Mr. Shriram S. Redij for respondent No.1.
Mr. C. M. Lokesh i/b Mr. G. S. Hegde for respondent No.2 in CAF 2209
of 2018 and appellant in F.A.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 12th April 2019

PC.:

Heard the learned Counsel appearing for the parties. Learned Counsel appearing for the 1st respondent (appellant in First Appeal No.276 of 2016) tenders across the bar a letter dated 8th July, 2018 addressed by the Punjab and Sind Bank, Kharghar Branch, Navi Mumbai addressed to the learned Trial Judge recording that a bank guarantee of Rs. 25 Crores will be valid upto 7th July, 2019. By order

dated 26th December 2016 passed in Civil Application No.711 of 2016 in First Appeal No. 276 of 2016, the decree subject matter of challenge in the first appeal has been stayed subject to furnishing a bank guarantee.

2. We have perused the operative part of the impugned Judgment and Decree. The decree passed by the Joint Civil Judge, Senior Division, Panvel is against all the original defendants including the appellant in First Appeal No.276 of 2016 as well as Special Land Acquisition Officer and District Collector, Raigad, Alibaug. So long as the order of stay dated 26th December 2016 in First Appeal No.276 of 2016 continues to operate, the ad-interim relief granted on this application on 3rd September, 2018 will have to continue. The original plaintiffs can always apply for vacating the order of stay in First Appeal No.276 of 2016. In the event, the order of stay is vacated, the original plaintiffs can always apply for vacating the stay granted in this appeal.

3. Subject to what is observed above, Civil Application is disposed of by directing that ad-interim relief granted on 3rd September, 2018 will continue to operate as interim relief.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)