

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1102 OF 2017
IN
CIVIL APPLICATION NO.3269 OF 2013
IN
FIRST APPEAL NO.1406 OF 2013**

Minoo Farradoon Kasnaviaa and Ors. ... Applicants
versus
The Special Land Acquisition Officer No.13 and Ors. ... Respondents

Mr. Gaurav Potnis I/by Ms. Pallavi Potnis, for Applicants.
Mr. A.R.Patil, Addl. G.P., for Respondent No.1.
Mr. Saurabh S. Kurade I/by Mr. V.D.Patil, for Respondent No.4.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 7th JUNE, 2019

P.C.:

1. This Civil Application is filed by the Original Claimants seeking modification of an order dated 20th September, 2013 passed by the Division Bench of this Court in Civil Applications for Stay in respective First Appeals. The Court required the acquiring body to deposit the entire amount of the compensation awarded by the Reference Court within the specified time and further permitted the claimants to withdraw the said amount after furnishing security to the satisfaction of the Reference Court. The Court also provided that in case of failure of the acquiring body to deposit the decretal amount, the interim stay would stand vacated. The grievance of the claimants is that the acquiring body had deposited a sum of Rs.46,90,975/-,

which was not in satisfaction of the entire decretal amount and that the same fell short by approximately Rs.2.37 Lakhs. The order of the Court dated 20th September, 2013 is self sufficient. It is always open for the claimants to withdraw the deposited amount after furnishing security. If there is a short fall, it is always open for the claimants to execute the decree for the remaining sum. No modification or clarification is necessary. The Civil Application is therefore, dismissed.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)