

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**BEFORE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 1482 OF 2008
WITH
CIVIL APPLICATION NO.3325 OF 2008**

The State of Maharashtra & Anr. ..Appellants
Vs.
Maruti Ganpat Kokate and Anr. ..Respondents

**WITH
FIRST APPEAL NO. 1483 OF 2008
WITH
CIVIL APPLICATION NO. 3327 OF 2008**

The State of Maharashtra & Anr. ..Appellants
Vs.
Savala Khandu Malekar D/H
Sitaram Savala Malekar & Ors. ..Respondents

**WITH
FIRST APPEAL NO. 1484 OF 2008
WITH
CIVIL APPLICATION NO. 3329 OF 2008**

The State of Maharashtra & Anr. ..Appellants
Vs.
Maruti Mahipati Devgirkar and Ors. ..Respondents

**WITH
FIRST APPEAL NO. 1485 OF 2008
WITH
CIVIL APPLICATION NO. 3331 OF 2008**

The State of Maharashtra & Anr. ..Appellants
Vs.
Kanchan Kiran Karnik and Anr. ..Respondents

**WITH
FIRST APPEAL NO. 1486 OF 2008
WITH
CIVIL APPLICATION NO. 3333 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Madhukar Jairam Deshpande and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1487 OF 2008
WITH
CIVIL APPLICATION NO. 3335 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Shashikant Shankarrao Sutar and Anr.	..Respondents

**WITH
FIRST APPEAL NO. 1488 OF 2008
WITH
CIVIL APPLICATION NO. 3337 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Vatsala Shankar Garud and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1489 OF 2008
WITH
CIVIL APPLICATION NO. 3339 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Sindhubai Parshuram Godawale and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1490 OF 2008
WITH
CIVIL APPLICATION NO. 3341 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Pramila Nivrutti Kokate and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1491 OF 2008
WITH
CIVIL APPLICATION NO. 3343 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Raju Shankar Garud and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1492 OF 2008
WITH
CIVIL APPLICATION NO. 3345 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Parbati Savela Mahale and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1493 OF 2008
WITH
CIVIL APPLICATION NO. 3347 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Vithu Dagadu Dhindale and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1494 OF 2008
WITH
CIVIL APPLICATION NO. 3349 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Gopala Mahipati Devgirkar and Anr.	..Respondents

**WITH
FIRST APPEAL NO. 1495 OF 2008
WITH
CIVIL APPLICATION NO. 3351 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Malan Mahipati Kokate and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1496 OF 2008
WITH
CIVIL APPLICATION NO. 3353 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Narmada Shrikant Kokate and Ors.	..Respondents

**WITH
FIRST APPEAL NO. 1497 OF 2008
WITH
CIVIL APPLICATION NO. 3355 OF 2008**

The State of Maharashtra & Anr.	..Appellants
Vs.	
Balu Vithu Devgirkar and Ors.	..Respondents

Mr. Yogesh Dabke, A.G.P. for the appellants.
Mr. Gaurav Potnis I/b. Mrs. P.H. Potnis for respondents.
Mr. V.S. Tadake I/b. D.D. Shinde for respondent No.2.

CORAM : M.S.KARNIK, J.

**V.B. KAKATKAR, O.S.D. REGISTRAR &
P.C. KALE, DEPUTY REGISTRAR,
LEGAL & RESEARCH**

DATE : 13th JULY, 2019

P.C. :

1. Heard the Assistant Government Pleader appearing for the appellants. Learned counsel appearing on behalf of Maharashtra Krishna Valley Development Corporation ('MKVDC' for short) states that a decision has been taken to pay compensation to the claimants as per the award of the Land Reference Court. In as much as the acquiring body viz. the Maharashtra Krishna Valley Development Corporation has decided to accept the award of the Land Reference Court, there is no impediment in allowing the request of the appellants for withdrawal of the First Appeals.

2. Shri Potnis appearing on behalf of the claimants however has objection to the withdrawal of the Appeals. He would submit that the claimants have filed cross objections and withdrawal of the present Appeals if allowed will prejudice their cross objections/cross Appeals. Counsel for the appellant

and counsel for acquiring body submitted that they are not in receipt of any cross objections/cross Appeals.

3. Be that as it may, it is made clear that the present order is passed to the limited extent and on statement made by the learned counsel for the MKVDC that they have taken a decision to accept the award of the Land Reference Court and in that context the First Appeals are allowed to be withdrawn.

4. However, the cross objections/cross Appeals if any filed by the claimants, the same would obviously be decided on its own merits. It is once again made clear that the present withdrawal is limited to the present First Appeals and any Civil Application filed in the nature of cross objections or if cross Appeals are filed by claimants, the same will obviously be decided on its own merits and in accordance with law.

5. Withdrawal pursis has been filed which is taken on record and marked as 'X' for identification.

6. The respondents/claimants are permitted to withdraw the amount awarded by the Reference Court already

deposited by the appellants in this Court/trial Court if not already withdrawn. In case the claimants have been permitted to withdraw part of the amount deposited, they are at liberty to withdraw the balance, if any.

7. Needless to mention that the respondents/claimants are permitted to withdraw the said amount along with accrued interest, if any.

8. The Appeals are allowed to be withdrawn and disposed of as such.

9. In view of the disposal of the Appeals, nothing survive for consideration in the Civil Applications. The Civil Applications are disposed of.

10. Court fee be refunded to the appellants if they are entitled for refund as per the rules.

(PRASHANT C. KALE) (V.B. KAKATKAR) (M.S.KARNIK,J.)