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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1575 OF 2015
IN
FIRST APPEAL NO.490 OF 2015

The State of Maharashtra
through the Collector of Raigad
Vs.
Anant Pandurang Mhatre and Ors.

... Applicant

... Respondents

Mr. A.R. Patil, Addl. G.P. for the Appellant.

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

DATE : 12th MARCH 2019.

P.C. :

1 The order of the Registrar (Judicial – II) dated 17th November 2015 records that sixth respondent is no more. Perusal of the compilation shows that heirs of sixth respondent have not been brought on record. Even in the cross-objections filed by the original claimants, there is an office remark that the cross-objections stands abated as far as the sixth claimant (sixth respondent in the appeal) is concerned. By keeping open the issue of the effect of abatement of the appeal as against the sixth respondent open, we have taken up this application for hearing. The learned AGP has not received any instructions whether the decretal amount in terms of the order dated 8th May 2015 has been deposited. As

the main appeal wherein the challenge is to an Award under section 18 of the Land Acquisition Act, 1894 has been admitted, stay deserved to be granted subject to deposit of the decretal amount.

2 Accordingly, we pass the following order :-

ORDER

- (i) Rule is made absolute in terms of prayer clause (a) subject to condition of the applicant depositing the entire decretal amount with the reference Court within a period of 10 weeks from today. If the amount is not deposited within the stipulated time, stay shall stand vacated without further reference to the Court;
- (ii) As soon as the amount is deposited, the reference Court shall immediately invest the same with any Nationalised Bank in Fixed Deposit for appropriate period;
- (iii) It will be open for the respondents/claimants to apply to this Court seeking permission to withdraw the decretal amount;
- (iv) Civil Application is disposed of on above terms.

(M.S. SANKLECHA, J.)

(A.S.OKA, J.)