

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

CIVIL APPLICATION NO.4058 of 2016

IN

FIRST APPEAL NO.230 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Gaurav Potnis I/b Ms.Pallavi Potnis for the
applicant

Ms.Chaitrali Deshmukh for the respondent

**CORAM : K. K. TATED, J
DATE : MARCH 26, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant original
Claimant is seeking permission to withdraw the
amount deposited by the appellant in
Reference Court in respect of acquired land.

3 The learned counsel for the Applicant
submits that Applicants are ready to provide
solvent security to the satisfaction of the
Reference Court except bank guarantee.

4 On the other hand, the learned counsel for the appellant vehemently opposed the present Civil Application. She submits that they have good chance of success in the present First Appeal. She submits that if entire amount is withdrawn by the Claimant then nothing will survive in the First Appeal. Therefore there is no question of permitting them to withdraw entire amount.

5 Heard.

6 It is to be noted that in the present proceedings, appellant acquired Applicant's lands from village Dhondegaon. Possession is already taken by the acquiring body. Today Applicant requires the amount for their survival. Not only that they are ready to provide solvent security to the satisfaction of the Trial Court.

7 Considering these facts, I am of the opinion that Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

a. Applicants are permitted to withdraw entire amount deposited by the appellant in Reference Court by furnishing solvent security to the satisfaction of the Trial Court except bank guarantee.

- b. Amount be withdrawn within 3 months from today.
- c. Civil application stands disposed off accordingly.

(K.K.TATED, J.)