

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1405 OF 2019
IN
FIRST APPEAL (ST) No.18837 OF 2016

Subhash Vithoba Shinde and Anr. ...Applicants

In the matter of

State of Maharashtra and Anr. ...Appellants

Vs.

Vithoba Ganpat Shinde

(since deceased)

Subhash Vithoba Shinde and Ors. ...Respondents

— — — — —

Mr. J.S. Gaikwad for Applicants - Original Respondent Nos.1a to 1d
Mrs.Y. Goswami – AGP for Appellants

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this civil application, the Applicants/ Original Claimants are seeking permission to withdraw the amount deposited by the State in the Reference Court as per the judgment and award dated 31st October, 2015 passed by the Learned District Judge-I, Khed at Khed, District Ratnagiri in L.A.R. No. 50 of 2003.
3. The learned counsel Mr. J.S. Gaikwad for Applicants submits that he received instructions from his clients that they are ready to withdraw 50% amount by providing bank guarantee. The statement is accepted.
4. Considering the submissions made by the learned counsel for the Applicants and averments made in the civil application, I satisfied that

the Applicants have made out a case for allowing this civil application. Hence, following order:

ORDER

- (A) Applicants/Original Claimants are permitted to withdraw 50% amount deposited by the Appellants in the Reference Court without furnishing any security.
- (B) Remaining 50% amount is permitted to the Applicants /Original Claimants to withdraw by furnishing bank guarantee of any nationalized bank to the satisfaction of the Reference Court and that bank guarantee to be continued till the hearing and final disposal of the First Appeal.
- (C) Civil application stands disposed of accordingly.
- (D) No orders as to costs.

[K.K. TATED, J.]