

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 471 OF 2021
IN
FIRST APPEAL (ST.) NO. 4143 OF 2018**

Ms. Ambibai Murlidhar Gawali
(deceased, through her LRs)
Kashinath Murlidhar Gawali & Ors.

.. Applicants

In the matter between
The State of Maharashtra & Anr.

.. Opponents /
Orig. Appellants

Vs.

Ms. Ambibai Murlidhar Gawali
(deceased, through her LRs)
Kashinath Murlidhar Gawali & Ors.

.. Respondents

.....

Ms. Bhavna Khemani i/b Mr. Anil Ahuja for the applicants
Mr. A.R. Patil, AGP for the appellant – State

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 2nd MARCH, 2021

P.C.

1. Not on board. Upon mentioning, taken on board.
2. Heard Ms. Bhavna Khemani, instructed by Mr. Anil Ahuja, learned Counsel for the applicants. She prays for granting liberty to seek appropriate order for withdrawal of the amount in the application pending before the Reference Court.
3. Mr. Patil, learned AGP submits that subject to furnishing bank guarantee or solvent surety, the applicants may be permitted to withdraw the amount.

4. It is brought to my notice that in acquisition proceedings in the same village, this Court on 27th January 2021 has passed the following order in I.A. No. 163 of 2021 in First Appeal (St.) No.6017 of 2018, which reads thus :-

- “1. Heard learned Counsel for the applicant.*
- 2. The application is allowed in terms of first part of prayer clause (b) which reads thus;*
“The applicant may be granted liberty to seek appropriate orders for withdrawal of the amount in the application pending before the Reference Court.”
- 3. The learned Reference Court shall decide the application in accordance with law as expeditiously as possible.*
- 4. The application stands disposed of.”*

5. In that view of the matter, following order is expedient :-

- (a) The application is allowed in terms of first part of prayer clause (a) of the application.
- (b) The learned Reference Court shall decide the application in accordance with law as expeditiously as possible.
- (c) The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)