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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3395 OF 2021

Jitendra Dattatraya alias Dattu
Mundkar and anr.

...Petitioners

V/s.

Deputy Collector (Land Acquisition)
and anr.

...Respondents.

Mr. Hemant Ghadigaonkar for the Petitioners.

Mr. C.D. Mali, AGP for the Respondents / State.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2022.

P.C. :

1. This petition takes an exception to the order dated 07.01.2021 passed by the learned Civil Judge, Sr. Division, Alibag below Exhibit-15 in Special Darkhast No. 93 of 2018. The application for withdrawal of compensation was filed. By the order impugned, the learned Executing Court directed 50% amount be kept in FDR and as regards balance 50% amount the Executing Court directed the petitioners to furnish bank guarantee to the extent of 25% of the amount.

2. The learned counsel for the petitioners submits that the State has filed an appeal vide First Appeal (St) No. 9137 of 2021 against the award passed by the Reference Court dated 22.02.2018 in L.A. R. No. 493 of 2016. Accordingly, he seeks leave to withdraw the present petition with liberty to move an application in the said First Appeal.

3. In view of above, the present Writ Petition is dismissed as withdrawn with liberty as prayed for.

[N.R.BORKAR, J.]