

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 16823 OF 2023
IN
WRIT PETITION NO. 7812 OF 2016

Padmavati Shantilal Shah and anr.

....Applicants

IN THE MATTER BETWEEN :

Ichalkaranji Municipal Council

through its Chief Officer

...Petitioner

v/s.

Padmavati Shantilal Shah

and anr.

...Respondents

Mr. Kayval P. Shah a/w. Mr. Sandeep Patade for the Applicants in IA
and for Respondents in Writ Petition.

Mr. Akshay Shinde, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 9 NOVEMBER, 2023.

P.C. :

1. This Interim Application is filed seeking permission to withdraw the entire amount deposited by the Petitioner-Municipal Council with the Trial Court in pursuance of the order dated 23 August 2016 passed

by this Court. The Trial Court by Judgment and Order dated 15 September 2015 has directed the Petitioner-Municipal Council to pay compensation to the Applicant at the rate of Rs.880/- per sq.meter alongwith interest at the rate of 6% p.a. from 23 May 2016.

2. The main dispute sought to be created by the Municipal Council is about the date which could be taken into consideration for determining the quantum of compensation. It is not that the Municipal Council is denying any amount of compensation. In that view of the matter, the Applicant can be permitted to withdraw 50% of the deposit amount alongwith accrued interest till date subject to the Applicant providing security to the satisfaction of the Trial Court.

3. The Application is accordingly **disposed of** by permitting the Applicant to withdraw 50% of the deposited amount alongwith the accrued interest till today by providing security to the satisfaction of the Trial Court.

SANDEEP V. MARNE, J.