

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

**INTERIM APPLICATION NO.2284 OF 2023
IN
FIRST APPEAL NO. 1041 OF 2018**

Balkrushna Gajanan Mhatre Since Decd.
Thr. LRs. Mahesh Balkrushna Mhatre And Ors. ...Applicants

IN THE MATTER BETWEEN

The State Of Maharashtra Thr.
The Special Land Acquisition Officer ...Appellant

Versus

Balkrushna Gajanan Mhatre Since Decd.
Thr. LRs. Mahesh Balkrushna Mhatre And Ors. ...Respondents

**WITH
CIVIL APPLICATION NO.3441 OF 2018
IN
FIRST APPEAL NO. 1041 OF 2018**

.....

Ms. Tanaya Goswami, AGP for the Appellant.

Mr. Sanjay A. Ghaisas for the Respondent Nos.1.1 & 1.2 to 5 for
Applicants/Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 16th MARCH, 2023.

P.C.

1. Heard.

2. This Court by an Order dated 12th June, 2019, on an

Application made by the Appellant-State, stayed the execution and implementation of the Judgment and Award dated 30th March, 2017 in LAR No.783 of 2000 *inter alia* directing the Appellant to deposit the entire amount of compensation alongwith interest within four weeks from the date of Order before the Reference Court.

3. Learned AGP submits that as per the said Order, entire amount has already been deposited in the Reference Court.

4. The Applicants now seek withdrawal of the amount of Rs.69,55,318/- deposited by the State in the Reference Court.

5. Learned AGP objects for allowing the Applicants to withdraw entire amount of Award with interest by stating that the Applicants be allowed to withdraw only 50% of the amount.

6. Considering the fact that the Award came to be passed way back in the month of March, 2017 and in view of the fact stated in the Application that due to the acquisition of the land, the Applicants are deprived of their livelihoods as well as the fact that the amount is required for necessary family expenses, such as, daily family needs, medicines, etc., it would be just and proper to allow the Applicants to withdraw the entire amount with accrued interest.

7. As such, the Applicants are permitted to move an Application seeking withdrawal of the amount deposited by the

Appellant-State stated as above by furnishing adequate security to the satisfaction of the Reference Court.

8. Application is disposed off in aforesaid terms.
9. List the Appeal in the week commencing from 19th June, 2023.

[PRITHVIRAJ K. CHAVAN, J.]