IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4709 OF 2023
IN
FIRST APPEAL (STAMP) NO. 22607 OF 2019

Namdev Budhaji Patil (Since deceased)
Through Legal heirs
Kesarinath Namdev Patil and Ors. … Applicants

IN THE MATTER BETWEEN

The State of Maharashtra … Appellant
Versus
Namdev Budhaji Patil (Since deceased)
Through Legal heirs
Kesarinath Namdev Patil and Ors. … Respondents.

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Mr. Sanjay Ghaisas, for the Applicants/Respondents.

Ms. Tanaya Goswami, AGP, for the Appellant-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 26th JULY, 2023.

P.C.

Heard.

2 This is an application seeking withdrawal of an amount of Rs.3,26,27,541/- deposited in the Reference Court by the appellant pursuant to an order passed by this Court on 29th November, 2019.

3 It is submitted by the learned Counsel for the applicants that this Court had stayed the execution and implementation of the impugned judgment and Award dated 12th February, 2018 passed by the Civil Judge, Senior Division, Alibag, subject to deposit of the entire amount of compensation with interest in the Reference Court within ten weeks.

4 It is submitted that the applicants being agriculturist were dependent on the income of agriculture as it was their only source of livelihood. The applicants now are required the amount to buy medicines and for daily family needs. As the land has been acquired, it is difficult for the applicants and family members to have their daily bread and butter.

5 Learned AGP, on the other hand, strongly objects to allow the applicants to withdraw the whole amount, as according to the learned AGP, it would be difficult to recover the amount in case the appeal succeeds.

6 Having considered the respective submissions at bar, at this stage, the applicants are permitted to withdraw the 50% of

compensation amount with accrued interest to meet their essential expenses as stated in the application.

7 The applicants are at liberty to make an application before the Reference Court for withdrawal of 50% amount with accrued interest by furnishing adequate security to the satisfaction of the Reference Court. After withdrawal of 50% amount, balance amount be invested in fixed deposit in any nationalized Bank for a period of three years.

8 Application is disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]