

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1721 OF 2021
IN
LAND ACQUISITION REFERENCE NO.5 OF 2015**

Berchmans Joseph Gomes & Ors.

... Applicants/
Org. Claimants

In the matter between :

Deputy Collector (Land Acquisition No.4)

... Applicant

V/s.

N. N. Dhanaji Kharwa & Anr.

And

Railway Vikas Corporation Ltd.

... Acquiring Body

Mr. H. I. Sirguroh a/w Mr. Parth S. V. for the Applicants.

Ms. Uma Palsuledesai, AGP for the original Applicant-S.L.A.O.-4.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH JANUARY 2023

P.C. :

1. By the present Interim Application, the following prayer is sought :-

“(a) That this Hon’ble Court be pleased to direct to refund the amount of Rs.53,75,197/- (Rs. Fifty Three Lac Seventy Five Thousand One Hundred and Ninety Seven Only) along with interest invested in Fixed Deposit to the applicant on terms and condition”.

2. Learned AGP appearing on behalf of the original Applicant-S.L.A.O.-4 in Land Acquisition Reference No.5 of 2015 submits that while she has in principle no objection to the prayer that is sought, however the present Interim Application is not in the proper format, inasmuch as the Applicants would have to formerly bring on record all the legal heirs of the deceased, viz., Dr. Aloysius Joseph Gomes, after which any prayer for refund of the amount of Rs.53,75,197/- (compensation amount) would be considered.

3. At this stage, learned Counsel appearing on behalf of the Applicants seeks leave to withdraw the present Interim Application and file appropriate application seeking impleadment of the legal heirs of the deceased, viz., Dr. Aloysius Joseph Gomes.

4. The present Interim Application is therefore dismissed as withdrawn, with liberty to file the appropriate application.

(ARIF S. DOCTOR, J.)