

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1645 OF 2024

IN

FIRST APPEAL NO.1150 OF 2023

Shri Dadu Goma Patil
Since deceased through legal heirs
Rajendra Dadu Patil & Anr. : Applicants

IN THE MATTER BETWEEN

Central Railway
Through the Deputy Chief Engineer
(Construction), Panvel, Railway Station,
Raigad : Appellant

Vs.

Shri Dadu Goma Patil
Since deceased through legal heirs
Rajendra Dadu Patil & Anr. : Respondents

Adv. Deepa S. Punde a/w Adv. Sachin S. Punde, for the Applicants.
Adv. Leena Patil, for the Appellant/Central Railway.
Mr. A. R. Patil, AGP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 11TH MARCH, 2024

PC. :

1. This Application is filed by the Original Claimants/
Respondents in the Appeal for withdrawal of the amount of Rs.59,17,297/-

deposited by the Appellant in this First Appeal arising out of Judgment & Order passed by the Learned Civil Judge, Senior Division, Alibaug in LAR No.342 of 2019 along with interest, if any accrued thereupon. The amount is deposited in the Reference Court.

2. Learned Advocate for the Applicants relies upon the order passed by this Court dated 25th September, 2022 passed in one of the Appeals from the same group. By way of order dated 25th September, 2022, the Interim Application No.15299 of 2023 in First Appeal (ST) No.19803 of 2023, this Court granted stay to the effect and execution of the order. In para 4 the Court granted liberty to the claimant to withdraw the entire amount, subject to furnishing security to the satisfaction of the Reference Court. In this case the amount is already deposited.

3. Heard the parties.

4. That this Court in similar matters arising from the same group has passed an order along with Applicant therein to withdraw the entire amount by its Order dated 25th September, 2023. Considering that this Court is inclined to allow this Application. Hence the following order.

ORDER

a) Application stands allowed.

- b) Applicants/Claimants are at liberty to withdraw the amount deposited by the Appellant/acquiring body along with interest, if any, accrued thereupon on furnishing security to the satisfaction of the Reference Court.
- c) Application stands disposed of.

(KISHORE C. SANT, J.)