

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7882 OF 2023
IN
FIRST APPEAL NO. 610 OF 2021

Shri. Atmaram @Hausa Mahadeo Thakur
Deceased Thr. Lrs. Smt. Mathurabai Atmaram @
Hausa Thakur And Ors.

...Applicants
(Org.
Claimants)

IN THE MATTER BETWEEN

The State of Maharashtra

...Appellant

Versus

Shri. Atmaram @Hausa Mahadeo Thakur
Deceased Thr. Lrs. Smt. Mathurabai Atmaram @
Hausa Thakur And Ors.

...Respondents

Mr. Hemant P Ghadigaonkar, a/w Ms. Pallabi Chatterjee Advocate for
Applicant.

Ms. Tanaya Goswami, AGP for Respondent/state.

CORAM : M.M. SATHAYE, J.

DATE : 12th JANUARY, 2024

P.C. :

1. This is an Application by Original Claimant for permission to withdraw 50% of the amount deposited by the State in the Reference Court At Alibaug. The matter is arising out of the Land Acquisition Act, 1894. The second prayer is for withdrawal of the remaining 50% amount also, on furnishing bank guarantee.

2. So far as the first prayer is concerned, it is rightly pointed out by learned Counsel for the Applicants that already under

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Order dated 22.12.2021, the Applicants are permitted to withdraw the 50% of the amount on the condition of filing an undertaking as directed under the said Order. It is common ground that necessary undertakings are already filed by the Applicants in the Reference Court.

3. In that view of the matter, the Interim Application is allowed in terms of prayer clause (a).

4. So far as prayer clause (b) is concerned, learned counsel for the Applicants seeks liberty to file fresh Application. Interim Application is disposed of with liberty as prayed.

5. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)