

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1857 OF 2022
WITH
FIRST APPEAL NO. 400 OF 2011

Laxmi Gangaram Nhivekar Nee ... Appellants/Applicants
Kamal Ramchandra Jadhav and Ors.

V/s.

State of Maharashtra through ... Respondent
Special Land Acquisition Officer,
Sindhudurga

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Mr. Shivaji Nirmale, for the applicants.

Mr. Rushikesh G. Bhagat i/by Khandeparkar & Associates for
respondent nos. 2, 3,4 and 6.

Mr. Vinay Karodia i/by Mr. Rajiv Jadhav, for respondent no. 5A to 5F.

Mr. A.R. Patil, AGP, for the State.

CORAM : KISHORE C. SANT, J.

DATE : 16TH APRIL 2024.

PC:

1. Heard the learned advocate for the applicant, learned
advocate for the respondents and learned APP for the State.

2. This application is moved seeking liberty to withdraw the
amount deposited by the State, acquiring body in the reference Court
under LAR No. 5 of 1999 passed by learned Judge, Sindhudurg, Oros

dated 26/09/2008. Private respondent have no objection to allow the prayer in Civil Application. Learned AGP objects to withdraw the amount and states that if the amount is withdrawn it would be difficult to recover the same in case the appeal is allowed. This Court finds that application can be allowed by imposing some conditions. Hence the following order:

ORDER

(i) The applicants are entitled to receive 50% of the total amount deposited on furnishing undertaking to the Executing Court that in any case the appeal is allowed, the amount will be re-deposited along with the interest within 12 weeks from the date of judgment.

(ii) 50% of the amount shall be withdrawn on furnishing security to the satisfaction of the reference Court.

3. With this, the application stands disposed of.

(KISHORE C. SANT, J)