

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.384 OF 2024

IN

FIRST APPEAL NO.658 of 2019

Mr. Vasudeo Tatoba Prabhu
Since deceased through legal heris
Indira Vasudeo Prabhu & Ors. : Applicants

IN THE MATTER BETWEEN

Maharashtra Industrial Development
Corporation, Ratnagiti : Appellant

Vs.

Mr. Vasudeo Tatoba Prabhu
Since deceased through legal heirs
Indira Vasudeo Prabhu & Ors. : Original Applicants/
Respondents

Adv. Farhan Shaikh i/by Khandeparkar & Associates for the Applicants.
Adv. Akshay S. Karlekar i/by Shreeyog Law Associates for the
Respondent/Original Appellant (MIDC).

CORAM : KISHORE C. SANT, J.

DATE : 15TH FEBRUARY, 2024

PC. :

1. Heard.
2. This Application is filed seeking withdrawal of the amount deposited in the reference Court by the Appellant. The amount is towards

enhancement of the compensation. The land of the Claimant is acquired in 2006. The Claimant thereafter filed a land reference under Section 18 of the Land Acquisition Act, 1894. Learned Court enhanced the compensation by enhancing the rate of the land at the rate of Rs.790 per Are. The total amount now deposited is Rs.1,41,429/-. Since the amount is meager amount. This Court finds that the Applicant be allowed to withdraw the entire amount on giving undertaking, that in case the Appeal is allowed they shall re-deposit the amount in the reference Court within a period of 6 months from the date of judgment. Hence the following order.

ORDER

- a) Applicants are entitled to withdraw Rs.1,41,429/- amount along with interest, if any, accrued their upon from the reference Court.
- b) Applicant shall file an undertaking that they shall redeposit the said amount with interest, in case appeal is allowed.
- c) Interim Application stands disposed of.

(KISHORE C. SANT, J.)

(Corrected pursuant to speaking to minutes of order dated 22nd February, 2024.)