

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6442 OF 2024
IN
FIRST APPEAL (ST) NO.30479 OF 2023

Sitaram Dagadu Pavagi : Applicant(Org Claimant)

IN THE MATTER BETWEEN

The Maharashtra Krishna Valley Development
 Corporation through the
 Executive Engineer, Pune
 Vs.

: Appellant

Sitaram Dagadu Pavagi & Ors.

: Respondents(Org Claimant)

WITH
INTERIM APPLICATION NO.17014 OF 2023 (STAY APPLN)
IN
FIRST APPEAL (ST) NO.30479 OF 2023

The Maharashtra Krishna Valley Development
 Corporation through the Executive Engineer
 Vs.

: Applicant

Sitaram Dagadu Pavagi And Ors.

: Respondents(Org Claimant)

 Adv. Pankaj Popatrao Deokar, for the Appellant/Applicant.

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

Adv. Amrita Kharkar, i/by P. H. Potnis for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 22ND MARCH, 2024

PC. :

1. Heard the parties. This Application is filed seeking withdrawal of the amount of compensation deposited by the Respondent No. 2-(Appellant) in the Reference Court.

2. The learned Advocate for the Applicant relies on various orders passed by this Court and also by the Hon'ble Apex Court wherein, the Court has permitted to withdraw the entire amount of compensation deposited by the acquiring bodies on certain conditions.

3. Considering the orders this Court is of the opinion that it would be in the interest of justice to allow the Applicant/Original Claimant to withdraw the amount lying in the Reference Court. Hence the following Order.

ORDER

a) The Interim Application No. 6442/2024 stands allowed.

b) The amount deposited by the Appellant/Acquiring Body in the Reference Court pursuant to Judgment and Order in L.A.R. No. 111 of 1997, 50% on giving undertaking that in case the Appeal is decided against the Claimant he shall re-deposit the amount within 6 weeks thereafter. Remaining 50% of the amount be allowed to withdraw on giving solvent surety to the satisfaction of the Reference Court.

4. The Interim Application No. 6442/2024 stands allowed and disposed of.

5. In view of the same Interim Application No. 17014 Of 2023 for stay is also disposed of.

(KISHORE C. SANT, J.)