



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11827 OF 2024

IN

FIRST APPEAL NO.783 OF 2024

Pandurang Maruti Pavagi

...Applicant

Versus

Maharashtra Krishna Valley Development
Corporation thr. Executive Engineer

...Respondent

Adv. Ashish Gabhale i/b Jay & Co. for the Appellant

Adv. Amrita Potnis (thr. V.C.) i/b P.H. Potnis for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : September 13, 2024.

P. C. :

1. Interim Application has been preferred seeking permission to withdraw the amount of Rs. 13,21,217/- deposited by the Appellants along with accrued interest by furnishing an undertaking before the Reference Court. Although by way of prayer clause (d) direction is sought to pay the balance amount of Rs. 1,61,299/- which according to the Applicant is the further interest from 26th August, 2022 till the entire amount is deposited, at this stage, the said relief is not pressed by the learned counsel for the Applicant.

2. Learned counsel for the Respondent submits that similar previous orders of this Court permitting withdrawal may be passed in the present case.

3. Considering the previous order passed by this Court, the Interim Application stands allowed in terms of prayer clause (a) which reads as under.

“(A) The Applicants be allowed to withdraw the amount of Rs. 13,21,217/- deposited by the Appellants along with the accrued interest after furnishing an undertaking before the Nazir of the District Court, Pune at the time of withdrawing the payment.”

4. 50% of the amount deposited by the acquiring body in the Reference Court is permitted to be withdrawn by giving an undertaking that in case, the Appeal is decided against the claimant, he shall re-deposit the amount within six weeks thereafter. The contents of the undertaking to be to the satisfaction of the Reference Court after giving an opportunity of hearing to the acquiring body. As far as the remaining 50% of the amount is concerned, the same is permitted to be withdrawn on giving solvent surety to the satisfaction of the Reference Court after hearing all parties concerned.

5. Interim Application stands disposed of in the above terms.

[Sharmila U. Deshmuk,J.],