

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 315 OF 2025
IN
FIRST APPEAL NO. 126 OF 2025**

Lahu Narayan Patil (deceased)
through His Legal Heirs-1. Jaywant Lahu Patil & Anr. ...Applicants
IN THE MATTER BETWEEN
The State Of Maharashtra
through the Deputy Collector (land Acquisition) & Anr ...Appellants
Vs
Lahu Narayan Patil (deceased)
through His Legal Heirs-1.Jaywant Lahu Patil & Anr. ...Respondents

Mr. Vinayak Kumbhar i/b. Ms. A. N. Bandiwadkar for Applicants
Mr. A. R. Patil, Addl. GP for the Respondent – State

CORAM : M. M. SATHAYE, J.

DATED : 19th AUGUST 2025.

P.C.:

1. This is an application by the Claimants in the Land Reference (LAR No. 133/2016) for withdrawal of the amount deposited by the Appellant-State in the Reference Court. The Appellant-State has deposited Rs. 1,45,25,220/- in the Reference Court at the Raigad.
2. Learned advocate for the Applicants submitted that they had filed Application before the Reference Court for withdrawal of the amount, which came to be rejected by order dated 06/11/2024 on the ground that ad-interim stay granted by this Court is not yet vacated.
3. Learned Addl. G.P opposing the Application, submitted that unless the

amount is secured, withdrawal should not be granted as the present Appeal is pending.

4. Learned Counsel for the Applicants states on instructions that Applicants are ready to furnish bank guarantee to cover the amount deposited and therefore the amount can be secured and the withdrawal can be permitted.

5. Considering the statement and the nature of dispute, interim application is allowed by passing following order :

(a) Applicants are permitted to withdraw the amount deposited by the State as per order of this Court dated 23/12/2021, subject to condition that the Applicants furnish bank guarantee in the Reference Court (Court of C.J.S.D., Alibag) covering the amount to be withdrawn.

(b) It is clarified that the Applicants shall be required to renew the bank guarantee from time to time during the pendency of the Appeal.

(c) The Applicants shall also file an undertaking in the Reference Court that withdrawal will be subject to final outcome of the present Appeal and Applicants shall bring back the money with interest, if so directed by this Court. Necessary undertaking to be filed within a period of two weeks from today.

6. Interim Application is disposed of in above terms.

(M. M. SATHAYE, J.)