

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1188 OF 2016

The State Of Maharashtra (Through The Special Land Acquisition Officer) ...Appellant

Versus

Shri. Balaram Nana Thakur Deceased Through LRs. ...Respondents
Shri. Krishna Balaram Thakur & Ors.

WITH

INTERIM APPLICATION NO. 745 OF 2026

IN

FIRST APPEAL NO. 1188 OF 2016

WITH

INTERIM APPLICATION (ST) NO. 38964 OF 2025

IN

FIRST APPEAL NO. 1188 OF 2016

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

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 25, 2026

ORDER :

1. Interim Application No.745 of 2026 is an application to bring on record the legal heirs of Respondent No.2. The Application is *disposed of* permitting the legal heirs to be brought on record. The Learned Advocate for the newly added Respondent is present in Court and accepts notice.

2. Interim Application (ST) No.38964 of 2025 is not on board.
By consent of the parties, taken on board.

3. By an order dated October 27, 2023 a Learned Single Judge of this Court allowed the Applicant to withdraw 50% of the amount deposited in Court, which along with interest was considered as constituting an amount of Rs.1 crore. Pursuant to the said order, the jurisdictional reference Court also permitted withdrawal of Rs.1 Crore. However, it is stated by the Applicant that the Bank in which the amounts are deposited has pointed out that 50% of the amount will be below Rs. 1 crore.

4. In these circumstances, the Application is disposed of by clarifying that the withdrawal may be effected by the Applicant in whatever sum is equivalent to 50% of the interest accrued on the amount deposited in Court, since only 50% of the interest is being permitted to be withdrawn and the principal remains deposited. Upon hearing the parties and also considering that the acquisition was made way back in 1980, the request for waiver of furnishing of bank guarantee for the said amount is accepted.

5. The jurisdictional reference Court shall release 50% of the interest amount accruing as of today i.e. February 25, 2026 with an

undertaking from the Applicant to bring back the amount subject to the outcome of the first appeal. Such undertaking shall be filed with the Registry of the reference Court.

6. Stand over to ***March 4, 2026***.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[**SOMASEKHAR SUNDARESAN, J.**]