

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2717 OF 2020
(Arising out of SLP (Civil) No.5084 of 2020)

UDDHAV DADARAO PATIL

Appellant

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondents

O R D E R

Leave granted.

This appeal challenges the order dated 05.12.2019 passed by the High Court of Bombay, Bench at Aurangabad in Civil Application No.7686 of 2019 in First Appeal No.344 of 2017.

During the pendency of said First Appeal, by Order dated 08.01.2018, the High Court had allowed the claimants to withdraw 50% of the amount deposited by the Acquiring Body. Later, relying upon certain orders passed by this Court, an application was preferred for withdrawal of the remaining 50% of the amount deposited by the Acquiring Body. The High Court having rejected the application by order presently under challenge, the appellant has filed this appeal.

Mr. Sudhanshu C. Choudhari, learned Advocate for the appellant relied upon the order dated 18.01.2019 passed by this Court in Civil Appeal Nos.945-957 of 2019 [arising out of SLP (C) No.30071-

83 of 2018], by which this Court had permitted the appellants therein to withdraw 50% of the enhanced compensation without furnishing any security whereas balance 50% was ordered to be released on furnishing adequate security to the satisfaction of the concerned Court. To similar effect was the order dated 11.09.2019 passed by this Court in SLP (Civil) No.27029 of 2017.

We see no reason why a different view need be taken in the present matter. We, therefore, allow this appeal and permit the appellant to withdraw the balance amount (50% of the originally deposited sum) on furnishing adequate security to the satisfaction of the Reference Court.

The appeal stands allowed in aforesaid terms. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[VINEET SARAN]

NEW DELHI;
JULY 07, 2020

ITEM NO.20

Virtual Court 2

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.5084 OF 2020

UDDHAV DADARAO PATIL

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.34732/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-07-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s) Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Anirudha Joshi, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed, in terms of the Signed Order.

Pending application(s), if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the File)