

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

Amk

**CIVIL APPLICATION NO. 1022 OF 2016
IN
FIRST APPEAL NO. 1099 OF 2014
WITH
CIVIL APPLICATION NO. 3062 OF 2014**

Duryodhan Natha Yadav .. Applicant

In the matter between

Maharashtra Krishna Valley Development Corporation .. Appellant

Vs.

Duryodhan Natha Yadav & Ors. .. Respondents

Mr. V. S. Tadke i/b D. D. Shinde for the Applicant.

Mr. M. B. Deshmukh for Respondent No.1.

Mrs. Anamika Malhotra for Respondent Nos.2 to 4.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 23rd AUGUST, 2016.**

P. C. :

1. This is an application for withdrawal of the amount which, according to learned counsel for the applicant, is deposited in the Trial Court in pursuance of the order passed by this Court. It is submitted that by the order dated 13.08.2013 passed by this Court, the respondent has deposited the amount of Rs.3 lacs on 30.12.2013, whereas in pursuance to the order dated 11.09.2015 the respondent to this application has deposited the amount of Rs.2,49,527/- on 25.09.2015. Thus, the total amount of Rs.5,49,527/- is deposited in the Trial Court.

2. It is submitted on behalf of the applicant that the applicant is

the original claimant and depending on the land for his maintenance. It was his only source of income. As the said is acquired, he needs the some amount for his maintenance.

3. Learned counsel for the respondents has no objection for the withdrawal of the amount subject to condition that the applicant should give bank guarantee for the 50% of the said amount.

4. Hence, the application is allowed. The applicant is allowed to withdraw the amount of Rs.5,49,527/- along with accrued interest deposited in the Court by Civil Judge Senior Division, Sangli in Land Acquisition Case No. 1 of 2008, subject to condition that application shall give bank guarantee of 50% amount and subject to furnishing usual undertaking in the Trial Court.

5. The application is disposed of accordingly.

6. The First Appeal for hearing be kept on 21.09.2016.

[DR. SHALINI PHANSALKAR-JOSHI, J.]