

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 5334 OF 2015
IN FA/1034/2011

RAJASBAI ADHAR PATIL, (DIED)
THROUGH LRS, SUKLAL BHILA PATIL AND ORS
VERSUS
THE DIVISIONAL OFFICER, M.I.D.C. AND OTHERS

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Advocate for Applicants : Mr. Kale Ajeet B.
Advocate for Respondent No.1 : Mr. S.S. Dande.

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CORAM : **N. W. SAMBRE, J.**
DATE : 04th August, 2015.

P.C.:

. The parties are in agreement that the application for withdrawal of the amount can be disposed of in terms of order dated 7th October, 2011, passed in other similar matters i.e. First Appeal No.1044 of 2011 and other connected matters. As such, the civil application stands allowed in terms of order dated 7th October, 2011, which reads thus:

“ Learned Counsel for the applicants submits that near about 87 appeals are filed challenging the award passed by the Reference Court. In 43 appeals this Court has allowed to withdraw the amount of the award deposited by the acquiring body with some conditions. He prays for the similar order for the applications which are listed before the Court today.

2. In these nine appeals, nine applications are made for withdrawal of the amount of the compensation.

The order dated 3.9.2011 passed in the connected appeals and the applications is produced before the Court. The similar order is passed in these civil applications also, as follows :-

- (i) The applicants are allowed to withdraw the 50% amount deposited on furnishing an undertaking on affidavit, stating that in the event the appeals are allowed, then they would deposit the amount in the Court within a period of eight weeks from the date of the judgment of this Court;
- (ii) Remaining 50% of the amount is allowed to be withdrawn on furnishing a Bank guarantee of any Scheduled Bank.
- (iii) Civil Applications are accordingly disposed of."

[N. W. SAMBRE, J.]