

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

933 CIVIL APPLICATION NO. 2656 OF 2016
IN FAST/16385/2015 WITH CA/8877/2015 IN
FAST/16385/2015 WITH CA/8878/2015 IN
FAST/16385/2015

NABABAI SUPDU KOLI AND OTHERS
VERSUS
MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION THR ITS AREA MANAGER, JALGAON

Shri. S.H. Tripathi, Advocate, for applicant.

Shri. S.S. Dande, Advocate, for respondent No.1.

Shri. S.R. Yadav, Assistant Government Pleader, for
respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 3rd MARCH 2016

ORDER:

1) The application is filed for withdrawal of amount of compensation by the original claimants. Copy of order made by this Court in Civil Application No.7097/2012 dated 22-6-2012 is filed. Both sides submit that those matters are arising out of the same group. In view of these circumstances this Court holds that on similar conditions, permission can be granted. So following order is made :--

2) The applicant is allowed to withdraw 25% of the amount on furnishing an undertaking to this Court that in the event the applicant is required to deposit the amount, the applicant would deposit the same within one (1) month.

3) The applicant is allowed to withdraw th 50% of the amount on furnishing solvent security of the said amount.

4) The applicant is allowed to withdraw 25% of the amount on furnishing bank guarantee of the said amount. The civil application is allowed and disposed of in above terms.

5) Civil Application No. 8877 of 2015 is filed by the acquiring body for condonation of delay of 56 days caused in filing appeal against the judgment and award of the Reference Court. Heard learned counsel for the acquiring body and the learned counsel for the original claimants. In view of the contentions made in the application and the submissions made this Court holds

that sufficient cause is shown. So the application is allowed. Delay is condoned.

6) Both the sides submit that appeals filed by the original claimants are admitted. In view of this circumstance and the reasoning given by the Reference Court, appeal of the acquiring body is admitted. Notice after admission. It is waived by learned counsel for original claimants.

7) Civil Application No.8878 of 2015 filed for stay is disposed of in view of the order made today.

Sd/-
(T.V. NALAWADE, J.)

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