

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

**CIVIL APPLICATION NO. 4020 OF 2016
IN
FIRST APPEAL ST NO. 10095 OF 2015**

Ramesh Chandarshing Patil

APPLICANT

V E R S U S

Maharashtra Industrial Development
Corporation & Ors.

RESPONDENTS

Mr. S.H. Tripathi, Advocate for the Applicant
Mr. S.S. Dande, Advocate for Respondent No. 1
Mr. S.P. Sonpawale, A.G.P. for the Respondent Nos. 2 to 4 – State

WITH

**CIVIL APPLICATION NO. 13057 OF 2015
IN
FIRST APPEAL ST NO. 10095 OF 2015**

Maharashtra Industrial Development
Corporation

APPLICANT

V E R S U S

Ramesh Chandarshing Patil & Ors.

RESPONDENTS

Mr. S.S. Dande, Advocate for the Applicant
Mr. S.H. Tripathi, Advocate for Respondent No. 1
Mr. S.P. Sonpawale, A.G.P. for the Respondent No. 3 - State

CORAM : A.V. NIRGUDE, J.

DATE : 23rd August, 2016

PER COURT :

1. Despite service, respondent no. 5 – Prabhavati Pralhadsing Patil in Civil Application No. 4020 of 2016 has not appeared before the Court. There is clear statement in the application that the applicant is entitled to 50% of the compensation amount and the remaining amount would go to respondent no. 5. Despite of such statement and receipt of notice, respondent no. 5 has remained away from the Court. I am therefore inclined to assume that she has admitted what is stated in the application. In view of this, application is allowed in terms of prayer clause 'B' on following conditions :-

2. Application is filed for withdrawal of amount of compensation by the original claimant. Copy of order made by this Court in Civil Application No. 7047 of 2012, dated 22nd June, 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.

3. 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 month.

4. The applicant is allowed to withdraw 50% of the amount on furnishing solvent security of the same amount.
5. The applicant is allowed to withdraw 25% of the amount on furnishing bank guarantee of the said amount. Civil Application No. 4020 of 2016 is allowed and disposed of in above terms.
6. Stay application bearing Civil Application No. 13057 of 2015 is disposed of in view of the order made today.

(A.V. NIRGUDE, J.)