

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

**CIVIL APPLICATION NO. 11073 OF 2016
IN
FIRST APPEAL ST NO. 16300 OF 2015**

Madhukar Namdeo Badhe & 3 Ors.

APPLICANTS

V E R S U S

Maharashtra Industrial Corporation Office,
Through its Area Manager, MIDC, Jalgaon,
District Jalgaon

RESPONDENT

*Mr. Nirmal R. Dayama, Advocate for the Applicants
Mr. S.S. Dande, Advocate for the Respondent*

WITH
**CIVIL APPLICATION NO. 8577 OF 2015
IN
FIRST APPEAL ST NO. 16300 OF 2015**

Maharashtra Industrial Corporation Office,
Through its Area Manager, MIDC, Jalgaon,
District Jalgaon

APPLICANT

V E R S U S

Madhukar Namdeo Badhe & 7 Ors.

RESPONDENT

*Mr. S.S. Dande, Advocate for the Applicants
Mr. A. R. Dayama, Advocate for the Respondent
Nos. 1 to 3 & 5
Mr. S.P. Sonpawale, A.G.P. for the Respondent No.8 - State*

CORAM : A.V. NIRGUDE, J.

DATE : 23rd August, 2016

PER COURT :

1. The original Claimants/Applicants filed a pursis alongwith affidavit that the original claimant/respondent no. 4 died on 23rd January, 2013. The respondent no. 4 was mother of respondent nos. 1 to 3 and 5 and she is not survived any legal representatives except respondent nos. 1 to 3 and 5. In view of this pursis, name of respondent no. 4 is hereby deleted.

2. Civil Application No. 11073 of 2016 is filed for withdrawal of amount of compensation by the original claimants. 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 applicants are allowed to withdraw 25% of the amount on furnishing an undertaking to this Court that in the event the applicants are required to deposit the amount, the applicants would deposit the same within one month.

4. The applicants are allowed to withdraw 50% of the amount on furnishing solvent security of the same amount.

5. The applicants are allowed to withdraw 25% of the amount on furnishing bank guarantee of the said amount. The Civil Application No. 11073 of 2016 is allowed and disposed of in above terms.

6. Stay application bearing Civil Application No. 8577 of 2015 is disposed of in view of the order made today.

(A.V. NIRGUDE, J.)