

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

928 CIVIL APPLICATION NO. 1647 OF 2016
IN FA/1037/2014

BABU NARASAPPA GURME DIED THR LRS BHANUDAS AND
OTHERS

VERSUS

MAHARASHTRA STATE INDUSTRIAL DEVELOPMENT
CORPORATION, LATUR AND ANOTHER

Shri. Girish N. Kulkarni (Mardikar), Advocate, for
applicants.

Ms. R.P. Gaur, Assistant Government Pleader, for
respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 23rd FEBRUARY 2016

ORDER:

1) Learned counsel for the applicants is present. Nobody present for the appellant, acquiring body. It appears that even amendment is not carried out in appeal memo though to help the appellant some order was made and direction was given to make amendment in the appeal memo and to see that the legal representatives of the original claimant are brought on the record.

2) In Civil Application No. 1647/2016 another claim is made for permission to withdraw the amount. Today learned counsel produced copy of order made by this Court in Civil Application No. 9551/2014 (in First Appeal No.1042/2014)., This order dated 26-9-2014 made by Division Bench was challenged in the Supreme Court. In SLP (C) No.6188/2015. The order dated 21-8-2015 made by the Apex Court shows that in view of the order made by the Apex Court in "*Mohd. Ismail & Anr. vs. Maharashtra State Industrial Corporation & Anr.*" Civil Appeal No.7576 of 2012, dated 15-10-2012 same order is made by the Apex Court in SLP (C) No. 6188/2015. The order of the Apex Court is as under :-

"The issue raised in this special leave petition is squarely covered by the decision of this Court in the case of "Mohd. Ismail & Anr. vs. Maharashtra State Industrial Corporation & Anr.", Civil Appeal No.7576 of 2012, dated 15.10.2012.

Accordingly, in view of the decision of this Court in the case of "Mohd. Ismail & Anr. vs. Maharashtra State Industrial Corporation & Anr.", Civil Appeal No.7576 of 2012, dated 15.10.2012, this special leave petition is also disposed of in the same terms, observations and directions."

3) In view of the order of the Apex Court present civil application is also allowed and following order is made :-

4) This Court directs that the 50% of the enhanced compensation granted to the claimants shall be released without security whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Collector.

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

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