

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

943 CIVIL APPLICATION NO. 2131 OF 2015
IN FA/93/2009

NIVRUTTI TATYA SARWADE SINCE DECEASED THR HIS LRS
VITTHAL NIVRUTTI SARWADE AND AN
VERSUS
M.I.D.C. THROUGH REGIONAL OFFICER LATUR AND
ANOTHER

Shri.P.R. Katneshwarkar, Advocate, for applicant.

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

Smt. A.V. Gondhalekar, Additional Government
Pleader, for respondent No.2.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 15 February 2017

ORDER:

The application is filed for permission to withdraw the amount of compensation deposited by the acquiring body as per the order made by the Hon'ble Apex Court. Copy of the order made by the Apex Court in Civil Appeal No.8072 of 2013 (Kashinath Basappa Janapure v. M.I.D.Corp.) along with other matters dated 10-9-2013 is produced on record. The order is as under :-

"We direct that the 50% of the enhanced compensation granted to the appellants shall be released without security whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Collector".

2) In view of the aforesaid order, Civil Application No.2131 of 2015 is allowed. The order is to be complied with as it is and copy of the order is to be sent to the Collector.

3) The learned counsel for the original claimants produced copy of order made by this Court in Civil Application No.13285/2013 in First Appeal No.92/2009 (Fattu Mohammad Sayyed v. MIDC) dated 18-10-2013. He submitted that the order is made or releasing the amount of interest accrued thereon. The order is as under.

"2. Having regard to this order, the applicants shall be permitted to withdraw 50% of the amount, which is remained to be withdrawn and was directed to be withdrawn on furnishing bank guarantee. In view of aforesaid order, we direct the Registry to allow the applicant to withdraw the balance 50% of the amount, without insisting on the bank guarantee and the bank guarantee, if any, submitted, be returned to the applicants. So far as interest over the

amount deposited is concerned, we direct that the said amount as well be allowed to be withdrawn by the applicant on furnishing security to the satisfaction of the Registrar (Judicial)".

In the same terms, it is to be presumed that the order is made about the interest and copy of this order is also to be sent to the Collector.

Sd/-
(SANGITRAO S. PATIL, J.)

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

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