

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

954 CIVIL APPLICATION NO. 9686 OF 2016
IN FAST/3981/2016 WITH CA/1819/2016 IN
FAST/3981/2016 WITH CA/1820/2016 IN FAST/3981/2016
WITH FAST/3981/2016

NAGORAO VITTHALRAO SALUNKE
VERSUS
REGIONAL OFFICER, THE M.I.D.C. LATUR AND ORS

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Advocate for Applicant : Mr. A.N. Irpatgire
AGP for Respondents 2 & 3 : Mrs. R.P. Gour
Advocate for Respondent 1 : Mr. S.S. Dande

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**
DATED : February 14, 2017.

ORDER :

Civil Application No. 1819/2016 is filed for condonation of delay of 253 days caused in filing the appeal against the decision given by the Reference Court. In view of the contentions made in the application and submissions made, the application is allowed. Delay is condoned. The proceeding is to be registered as First Appeal.

2. Civil Application No. 9686/2016 is filed

for permission to withdraw the compensation amount deposited by the appellant in this Court. The submissions made show that in appeal filed by the present appellant against other decision given by the Reference Court in respect of the matter arising out of the same village, this Court has granted permission to withdraw 50% amount of compensation and that was subject to condition of giving undertaking in respect of 25% amount and 25% amount by giving bank guarantee in respect of that amount. So, the present application is allowed in the same terms. Only 50% amount out of total compensation is to be released in favour of applicant, original claimant subject to condition that applicant gives undertaking in respect of 25% amount of compensation and furnishes bank guarantee in respect of 25% amount of compensation. Remaining 50% amount is to be kept in fixed deposit as per the procedure. The application is disposed of in those terms. Stay application No. 1820/2016 is also disposed of.

3. Appeal is **admitted**. Notice in appeal is waived by Shri. Irpatgiri for original claimant and the learned A.G.P. for respondent Nos. 2 and 3.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/