

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

**CIVIL APPLICATION NO. 11999 OF 2017
IN FA/3941/2016**

SHIVSHANKAR MADHAVRAO CHITKOTE DIED THR HIS LRS SAROJABAI
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Amit S. Deshpande.

AGP for Respondent No.1 : Mr. S. R. Yadav-Lonikar.

Advocate for Respondent No.2 : Mr. S. S. Dande.

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**WITH
CIVIL APPLICATION NO. 10058 OF 2017
IN FA/3940/2016**

DHONDIRAM GOVIND TORSALE DIED THROUGH HIS LRS AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants-original claimants as well as learned counsel appearing for respondent No.2- Acquiring Body- Maharashtra Industrial Development Corporation (MIDC). Learned AGP is also present for respondent No.1 State.
2. This application is for seeking permission to withdraw the amount deposited in this appeal by the respondent No.2- MIDC as per Judgment and Award passed by the learned Reference Court.
3. It has been submitted that the Division Bench of this Court in the companion matters allowed the claimant/s of that matter to withdraw 25 % amount on undertaking and rest 50 % amount on furnishing the bank guarantee. Moreover, rest of 25 % amount is directed to be kept in Fixed Deposit Receipts Account account. The learned counsel for the applicant requested to pass similar nature of order in this application.

4. The learned counsel for respondent No.2 Acquiring Body (MIDC) fairly conceded to pass suitable order pursuant to the order passed earlier in companion matters by the Division Bench of this Court.

5. In view of attending circumstances and earlier order passed by this Court in companion matters, I do not find any impediment to allow applicants for the same relief granted to the other claimants in this Award.

6. Hence, the applicants are permitted to withdraw the 25 % of the amount deposited in this Court on behalf of respondent No.2- Acquiring Body (MIDC) on furnishing personal undertaking to the satisfaction of the learned Registrar (Judicial) of this Court with the effect that, in case any adverse situation arises after adjudication of appeal on merit, the applicant/s will refund the amount forthwith as per directions of this Court. Moreover, the applicants are also permitted to withdraw rest of 50 % amount deposited in this appeal on furnishing bank guarantee of any Nationalized or Scheduled Bank and remaining balance amount of 25 % of the compensation amount shall be invested in Fixed Deposit Receipts Account for a period of two (2) years or till adjudication of present appeals whichever is earlier.

7. Accordingly, civil applications stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.