IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.

Civil Application No. 06018 of 2017
(In First Appeal Stamp No. 35259/2016)

District : Latur

Dastagir s/o. Turab Saheb Sayyed. .. Applicant
(Original claimant)

versus

Chief Officer,
The Maharashtra Industrial
Development Corporation,
Latur, .. Non-applicants
& 02 others. (Respondents)

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Mr. A.N. Irpatgire, Advocate, for the applicant.

Mr. S.S. Dande, Advocate, for non-applicant no.01.

Mr. A.R. Kale, Asst. Government Pleader, for non-applicant nos.02 and 03.

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CORAM : R.M. BORDE &
K.L. WADANE, JJ.

DATE : 28TH APRIL 2017

ORAL ORDER :

This is an application tendered by the claimant for withdrawal of the amount deposited by the acquiring body. In view of the order in companion matter which has been dealt with by this Court, the instant application also can be disposed of in the same terms.

02. In the present matter, the reference Court has awarded compensation @ Rs. 14/- per square feet. In Civil Application No. 9552/2014 (in First Appeal Stamp No. 5832/2014), wherein the amount of compensation was awarded @ Rs.12/- per square feet, this Court permitted the applicants therein to withdraw the 75 % amount out of the total amount deposited.

03. Considering the order passed in above referred matter, we pass following order :-

(i) The applicant shall be permitted to withdraw 25 % of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event of success of appeal, he will refund the amount within a period of one month from the date of issuance of such order.

(ii) The applicant is permitted to withdraw further sum of 25 % deposited, on furnishing solvent surety in the like amount.

(iii) The applicant is permitted to withdraw further sum of 25 % out of the amount deposited on furnishing Bank guarantee of a Scheduled Bank or Nationalized Bank in the like amount.

(iv) Balance 25 % amount out of the total amount deposited by the acquiring body in this Court shall be invested in fixed deposit receipts initially for a period of three years and the fixed deposit receipts be renewed thereafter until disposal of appeal.

04. Civil Application stands disposed of accordingly.

(K.L. Wadane)
JUDGE

(R.M. Borde)
JUDGE

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