

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

**971 CIVIL APPLICATION NO. 2519 OF 2017
IN
FIRST APPEAL STAMP NO.1272 OF 2016**

Hariram s/o Shivram Shelke. .. **Applicant.**

Versus

The Maharashtra Industrial
Development Corporation, Latur
And Another. .. **Respondents.**

Shri. A.N. Irpatgire, Advocate, for applicant.

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

Shri. A.R. Kale, Assistant Government Pleader,
for respondent No.2.

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

Date: 2 March 2017

ORDER:

1) The application is filed for giving
permission to withdraw the compensation amount
deposited by the respondents. Both sides are
heard.

2) In the order made by this Court in Civil Application No.8730 of 2016 in FAST No.19983 of 2015 (Shobha Nagnath Kaname v. Regional Officer, MIDC, Latur) dated 17-6-2016 is produced. The order shows that 75% of the amount deposited by the acquiring body was allowed to be withdrawn subject to some conditions. So present civil application needs to be allowed in the same terms. It appears that in one order made by this Court, 50% was allowed to be withdrawn. But it is informed that the said matter pertains to other village. In the result, the following order is made:-

(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% of the amount out of the total amount deposited, on furnishing solvent surety in the like amount.

(iii) The applicant is permitted to withdraw further sum of 25% of the amount out of the total 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.

3) Civil application stands disposed of accordingly.

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

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

rsl