

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

**CIVIL APPLICATION NO. 11786 OF 2017
IN
FIRST APPEAL NO. 433 OF 2015**

Venkat Shankarrao Jadhav

Applicant.

Versus

Regional Officer, M.I.D.C,
Latur and another

Respondents.

Mr.N.B. Suryawanshi, Advocate for applicant.

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

Mr.Y.G. Gujrathi, A.G.P. for respondent No.2.

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

Dated : 14-09-2017.

PER COURT :-

1. By this Civil Application, the applicant seeks liberty to withdraw 25% amount on furnishing security and 25% without security on undertaking alongwith the interest accrued thereon.

2. Learned Counsel for the applicant invited our attention to the order dated 12.02.2016 passed by this Court in Civil Application No. 1822 of

2016 and also the order dated 11.09.2015 passed by the Supreme Court in Civil Appeal Nos. 7070-7071 of 2015 and submits that the orders passed by the Supreme Court would apply to the facts of this case.

3. Mr. Dande, learned Counsel for respondent No. 1 invited our attention to the order dated 08.09.2017 passed by this Court in Civil Application No. 4538 of 2017 in First Appeal No. 1328 of 2016 and other companion matters filed by Nanarao Govindrao Suryawanshi against M.I.D.C. and others and would submit that the applicant in the Civil Application in hand will be governed by this order dated 08.09.2017. This statement is accepted.

4. We accordingly permit the applicant to withdraw balance 25% of the amount on furnishing an undertaking to this Court and the remaining 25% on the applicant furnishing a solvent security to the satisfaction of the Registrar (Judicial).

5. Learned Registrar (Judicial) shall give an opportunity to the applicant as well as to Maharashtra Industrial Development Corporation before accepting the security offered by the applicant as solvent security and thereafter permit the applicant to withdraw 25% based on such

solvent security. The remaining 25% shall be permitted to be withdrawn on the applicant's furnishing an undertaking within 2 weeks from today.

6. Civil Application is disposed of in aforesaid terms. Registry to act on the authenticated copy of this order.

7. It is made clear that the security which has to be furnished by the applicant for withdrawal of 25% shall remain with the Court till disposal of First Appeal No. 433 of 2015 and for a period of 4 weeks thereafter.

8. Civil Application is disposed of in aforesaid terms. No order as to costs.

(**SUNIL K. KOTWAL**)
JUDGE

(**R.D. DHANUKA**)
JUDGE

vdd/