IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO. 15069 OF 2016
IN FAST/8351/2016

BABAN VENKATRAO PATIL
VERSUS
THE REGIONAL OFFICE M.I.D.C. LATUR AND ANR
...
Advocate for Applicant : Patil G.N.
AGP for Respondents: A.M. Phule
Advocate for Respondents : S.S. Dande for R/1
...

CORAM : V.K. JADHAV, J.
DATE : 13-01-2017.

P.C. :

1. The learned counsel for the applicant submits that, the applicants may be permitted to withdraw 50% of the amount on furnishing undertaking and the remaining 50% of the amount on furnishing bank guarantee. In view of the order passed by the Supreme Court in Special Leave Appeal No. 38795 of 2013, the learned counsel submits that even the Division Bench has also passed the similar order considering the order passed by the Supreme Court.

2. The learned counsel appearing for the respondent-acquiring body submits that, even considering the aforesaid orders this court by order dated 25.08.2016 in the appeal arising out of the same award permitted the applicants therein to withdraw 25% of the amount on furnishing undertaking and 25% amount on furnishing bank guarantee and further directed to deposit 50% of

the amount to be invested in F.D.R. in any nationalized bank initially for a period of three years and to be renewed time to time till disposal of the appeal.

3. Since this court by order dated 25.08.2016 permitted the applicants in the appeal arising out of the same award to withdraw the amount as aforesaid no divergent view is possible at this stage. The applicants in this case also be permitted to withdraw the amount in the same line. Hence the following order:

ORDER

i) The applicant is permitted to withdraw 25% of the deposited amount by the acquiring body in this court on submitting an undertaking that in the event any adverse order is passed against her in the appeal, she will re-deposit the amount within four months of passing such order;

ii) 25% amount is permitted to be withdrawn by the applicant on furnishing a bank guarantee of the like amount of nay nationalised or schedule bank.

iii) 50% of the deposited amount be invested in a Fixed Deposit Receipts in any Nationalised Bank, initially for a period of three years and to be renewed if so required till disposal of the appeal.

iv) Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE

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