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

**CIVIL APPLICATION NO.2572 OF 2017
IN
FIRST APPEAL NO.1725 OF 2016**

Umarkher w/o Bashir Pathan ..APPLICANT

VERSUS

The Regional Officer, MIDC,
Latur & anr. ..RESPONDENTS

Mr Mahesh S. Patil, Advocate for applicant;
Mr S.B. Bhosale, Advocate for respondent no.1;
Mr S.S. Dande, A.G.P. for respondent no.2

**CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.**

DATE : 19th December, 2017

ORAL ORDER:

Heard Mr Mahesh Patil, learned Counsel appearing for the applicant-original respondent no.1 in present First Appeal No.1725 of 2016. Mr Patil invited our attention to the order of this Court, dated 20th November, 2015. While allowing the application for condonation of delay, this Court admitted the appeal. On the application seeking stay to the impugned judgment and order, this Court granted stay on condition of depositing the entire amount of compensation together with interest and other benefits, by order dated 20th November, 2015. Mr Patil submitted that in compliance of the order of this Court, appellant – Corporation deposited amount of Rs.12,01,337/- on 1st April, 2016, by way of Demand Draft No.540630. Mr Patil submits that the applicant is also challenging the award on the ground that an inadequate amount of compensation is

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granted to the applicant-claimant. Mr Patil submits that the applicant is a woman and having no other source of income, except the agricultural land which is acquired by way of compulsory acquisition. Mr Patil submits that as the applicant is having no other source of income and she is in her advanced age, is in urgent need of financial assistance to meet both the ends as well as for other necessary requirements, such as medical urgency, etc.

2. Mr Bhosale, learned Counsel appearing for respondent no.1 opposes the application.

3. Considering the submissions of Mr Patil and in view of the grounds raised in the application, we allow the application partly.

The applicant is permitted to withdraw 50% of the amount deposited by the appellant in this Court, in compliance of the order of this Court, dated 20th November, 2015. The applicant to give an undertaking for 50% of the 50% amount permitted to be withdrawn and for the rest of 50% amount the applicant to submit the surety to the satisfaction of Registrar (Judicial) of this Court. The undertaking be filed in this Court within six weeks from today.

Rest of the 50% amount be invested in fixed deposit in the Nationalised Bank initially for a period of three years and subsequently to be renewed from time to time.

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Civil Application is disposed of accordingly.

(SUNIL K. KOTWAL, J.)

(PRASANNA B. VARALE, J.)

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