

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

**CIVIL APPLICATION NO. 5640 OF 2018
IN
FIRST APPEAL NO. 2680 OF 2016**

Navnath Dashrath Mahske .. Applicant
Versus
Maharashtra Industrial Development
Corporation Ltd. through Divisional
Officer, Latur and others .. Respondents

Shri S. S. Manale, Advocate for the Applicant.
Shri S. S. Dande, Advocate for the Respondent No. 1.
Shri K. N. Lokhande, A.G.P. for the Respondent No. 2.
Shri Suhas B. Ghute, Advocate for Respondent Nos. 3 to 6.

**WITH
CIVIL APPLICATION NO. 5007 OF 2018
IN
FIRST APPEAL NO. 2680 OF 2016**

Dashrath Nama Maske
Died through his L.Rs.
Chandrabhagabai and others .. Applicants
Versus
Maharashtra Industrial Development
Corporation Ltd. through Divisional
Officer, Latur and another .. Respondents

Shri Suhas B. Ghute, Advocate for Applicants.
Shri S. S. Dande, Advocate for the Respondent No. 1.
Shri S. S. Manale, Advocate for the Respondent No. 2.
Shri K. N. Lokhande, A.G.P. for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALÉ, JJ.
DATE : 27TH APRIL, 2018.**

FINAL ORDER :

. These are applications tendered by the claimants for withdrawal of the amount deposited by the acquiring body. In similar matter, we have allowed withdrawal of 75 % of the amount out of total amount deposited on certain condition. We follow the same course.

2. In the present matters, the reference Court has awarded compensation @ Rs.9/- per square feet.

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

(I) The applicants are permitted to withdraw 25% of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event the applicants are directed to deposit the amount, they will refund the amount within a period of one month from the date of issuance of such order.

(II) The applicants are permitted to withdraw further sum of 25% deposited, on furnishing solvent surety in the like amount.

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

(IV) Balance 25% amount 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.

4. Civil Applications stand disposed of accordingly.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18