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

**CIVIL APPLICATION NO.9061 OF 2018
IN
FIRST APPEAL NO.2802 OF 2013**

Machindra Santram Kutwad,
Died through L.Rs.

Mangal Machindra Kutwad,
Age: Major, Occ: Household,
R/o. Harangul (Bu),
Tq. & Dist. Latur & ors ..APPLICANTS

VERSUS

The Maharashtra Industrial
Development Corporation, Through
Regional Manager, Latur & anr ..RESPONDENTS

Mr Sandeep C. Swami, Advocate for applicants;
Mr V.V. Ingale, Advocate h/f MR S.B. Bhosale,
Advocate for respondent No.1;
Mr R.B. Bagul, A.G.P. for respondent No.2;

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 10th AUGUST, 2018

ORAL ORDER :

Heard learned Counsel appearing for the
applicant. He invited our attention to the orders
passed by this Court as well as by the Hon'ble Apex

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Court. By latest order dated 28th April, 2017, passed in Civil Application No. 5572 of 2017 in First Appeal No. 888 of 2013, the Division Bench of this Court in similar circumstances permitted withdrawal of 50% of the amount of compensation, for which bank guarantee was directed to be furnished by this Court and then Division Bench further directed that there would be no need to furnish the bank guarantee and the bank guarantee shall be returned to the applicants. The security, as directed by the Hon'ble Supreme Court, shall be furnished by the applicants to the satisfaction of the Collector. The applicants shall be permitted to withdraw the amount of interest accrued on the amount deposited in fixed deposits.

2. This being the similar prayer in the application and as the Division Bench adopted the view which is expressed in the order dated 28th April, 2017, we see no reason to take a different view than the view taken by the Division Bench in the order 28th April, 2017. Accordingly, we allow

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the application in terms of prayer clause (B) and in the line of the order passed by the Division Bench on 28th April, 2017 in Civil Application No. 5572 of 2017 in First Appeal No. 888 of 2013.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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