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

**CIVIL APPLICATION NO.11598 OF 2018
IN
FIRST APPEAL NO.677 OF 2016**

Vilas s/o Gyanoba Rajole,
Age:55 years, Occu: Agri.,
R/o Omerga, Tq. Omerga,
Dist. Osmanabad

..APPLICANT

VERSUS

The Regional Officer,
Maharashtra Industrial Development
Corporation, Latur & ors.

..RESPONDENTS

Mr V. V. Ingale, Advocate for applicant;
Mr S. S. Dande, Advocate for respondent No.1;
Mr A. R. Kale, A.G.P. for respondents Nos.2 & 3

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 16th October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the applicant, Mr Dande, learned Counsel appearing on behalf of respondent No.1 and learned Asstt. Govt. Pleader appearing on behalf of respondent Nos.2 and 3.

2. The applicant prays for withdrawal of amount by way of present application. Our attention is invited to the order dated 5th February, 2016, passed by the Division Bench of this Court in bunch of applications. It is

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not in dispute that respondent No.1 has deposited an amount of Rs.65,56,675/- in this Court and on the application seeking withdrawal of amount i.e. Civil Application No.1527 of 2015 in First Appeal (St.) No.24322 of 2015 and other connected civil applications, this Court permitted the applicants to withdraw 50% of the amount deposited by the appellant. The Division Bench of this Court, by the very order, permitted the applicants to withdraw the amount to the extent of 25% on furnishing undertaking to this Court and 25% of amount on furnishing solvent security for the like amount.

3. It is submitted by the learned Counsel for the applicant that the applicants have furnished the security in compliance of the order dated 5th February, 2016, passed by this Court.

4. Our attention is also invited to the order dated 30th January, 2017, passed by the Honourable the Apex Court and the copy of the same is also placed on record. Learned Counsel for the applicant then invited our attention to the order dated 9th February, 2018, passed by the Division Bench of this Court in Civil Application No.1728 of 2018 in First Appeal No.671 of 2016.

5. The Honourable the Apex Court, by an order dated 30th January, 2017 permitted the claimants to withdraw 50% of the amount of enhanced

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compensation on furnishing security and 50% of the amount on furnishing undertaking.

6. Considering the above referred orders, we pass the following order:-

The Registry of this Court shall verify the security given by the applicant to the extent of 50% of the amount and after satisfying that total 50% security (before Reference Court and this Court) has been given by the applicant, shall allow the applicant to withdraw 50% of the amount along with accrued interest, if any.

Civil Application is disposed of accordingly.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

sjk