

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO. 7603 OF 2018
IN FA/4015/2016

DAGDU RAGHO FEGDE AND ANR
VERSUS
THE AREA MANAGER, M.I.D.C., JALGAON
AND ORS

...

Advocate for Applicants : Mr. M.R. Malpani
holding for Mr. Kale Ajeet B.
Advocate for Respondent No.1 : Mr. S.S. Dande
AGP for Respondent No.2: Miss. S.S. Raut

...

CORAM : K.K. SONAWANE, J.
DATE : 22nd JUNE, 2018

PER COURT :

1. Heard learned counsel for the applicants, learned counsel for respondent No.1 as well as learned A.G.P. for the respondents-State. Perused the application.

2. The applicants seeking permission to withdraw the amount deposited by respondent No.1-M.I.D.C. in this Court pursuant to the order passed by this Court. It has been submitted that this Court vide order dated 4th September, 2015 in connected matters allowed the applicants-claimants to withdraw 25% amount on submitting undertaking to this Court for refund of amount in case of any contingency appears in appeal.

The applicants-claimants were further allowed to withdraw rest of the 75% amount on furnishing solvent surety/security of like amount. In view of this, the learned counsel for the applicants requested to allow the present applicants for withdrawal of the amount deposited in this Court. In view of nature of the subject matter and the order passed by this Court in other connected matters, I do not find any impediment to allow the applicants to withdraw the amount on certain terms and conditions in order to protect the interest of respondent-acquiring body.

3. Hence, the application is partly allowed. The applicants-original claimants are allowed to withdraw 25% of the amount deposited in this Court on furnishing undertaking to refund the amount in case of any contingency arises in the appeal. The applicants are further allowed to withdraw rest of the 75% amount deposited in this Court subject to condition that the applicants shall furnish solvent security/surety of like amount in this Court.

4. Accordingly, application stands partly allowed in above terms.

(K.K. SONAWANE, J.)

