

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14633 OF 2018 IN
FIRST APPEAL NO. 672 OF 2016

KUSUMBAI BABURAO MANE DIED THROUGH HER LRS.
BABURAO AND OTHERS
VERSUS
THE REGIONAL OFFICER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION MIDC AT LATUR AND OTHERS

...
Mr. V.V. Ingale, Advocate for applicants
Mr. S.S. Dande, Advocate for respondent no.1
Mr. S.N. Kendre, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.
DATE : 07-12-2018

ORDER :

1. Heard learned counsel for appearing parties.
2. According to learned counsel for petitioners, vide order dated 05-02-2016 passed in first appeal filed by respondent in this court, applicants have been allowed to withdraw 25% of amount without security on the basis of undertaking and 25% of amount had been allowed to be withdrawn on furnishing solvent security of the like amount and rest of 50% amount had been directed to be invested in a nationalized bank for a period of three years, renewable at its expiry.

3. Learned counsel for applicants states that said order had been taken to supreme court in special leave to appeal (C) no. 2002-2003/2017 and the same had been granted and appeals had been allowed, observing thus,

“ 1. *Delay condoned.*

2. *Leave granted.*

3. *In view of the order dated 11.09.2015 passed in Civil Appeal Nos. 7070-7071 of 2015, these appeals are also disposed of by directing that 50% of the enhanced compensation granted to the appellants shall be released without security whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Reference Court.*

4. *The order (s) of the High Court is/are set aside and the appeals are allowed. ”*

4. Applicants are, thus, before this court under present civil application seeking withdrawal of 50% of amount along with accrued interest.

5. Learned counsel for applicants states that registry of this court has already been furnished with security to satisfaction of reference court.

6. In the circumstances, registry to verify if the recorded satisfaction of reference court has been remitted to this court, since the amount is stated to have been deposited in this court,

the applicants be allowed to withdraw amount as per directions of supreme court on verification and satisfaction of compliance of supreme court's orders by the Registrar (Judicial) of this court.

7. Civil application is disposed of accordingly.

[S.M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/