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

**CIVIL APPLICATION NO.7701 OF 2018
IN
FIRST APPEAL NO.1303 OF 2010**

Smt. Radhabai Vaijinath Utage,
Died, through L.Rs.

Laliata Narayan Ude,
Age: Major, Occu: Household,
R/o Barshi, Dist. Solapur & ors.

..APPLICANTS

VERSUS

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

..RESPONDENTS

Mr S. C. Swami, Advocate holding for Mr V. D. Gunale, Advocate for
applicants;
Mr S. S. Dande, Advocate for respondent No.1;
Mr S. W. Munde, A.G.P. for respondent No.2

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

DATE : 22nd June, 2018

ORAL ORDER:

Heard Mr Swami, learned Counsel holding for Mr Gunale, learned
Counsel for applicants, Mr Dande, learned Counsel for respondent No.1 and
learned A.G.P. for respondent No.2.

2. It is submitted before us that the applicants are similarly situated with
the applicants in Civil Application No.1336 of 2017 in First Appeal

(2)

No.3050 of 2013. Our attention is invited to the order dated 10th March, 2017 of this Court, in Civil Application No.1336 of 2017 and the other applications tagged with it. The Division Bench of this Court, by referring to the earlier orders of this Court as well as the order of the Hon'ble the Apex Court had allowed the applications and the directions of the Division Bench of this Court read thus:

“5. In view of the order passed by the Hon'ble the Apex Court, referred to above, all the present civil applications are allowed. In respect of withdrawal of 50% of the amount of compensation, for which the bank guarantee was directed to be furnished by this Court, there would be no need to furnish the bank guarantee and the bank guarantee shall be returned to the applicants. In all these matters, the security as directed by the Hon'ble the 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.”

3. We see no reason to take a different view than the view taken by the Division Bench of this Court, in the order dated 10th March, 2017. Resultantly, the application is allowed and disposed of with the same directions.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk