

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

**CIVIL APPLICATION NO.13108 OF 2016  
IN FA/1469/2016**

BALU RAMJI VALSE  
VERSUS  
REGIONAL MANAGER, MIDC LATUR DIVISION, LATUR AND ANR

----

Mr. S.V.Gundre, Advocate for applicant  
Mr. S.S.Dande, Advocate for respondent no.1  
Mr. A.S.Shinde, AGP for respondent no.2  
Mr. A.M.Gholap, Advocate h/f. Mr.S.S.Manale, Advocate for applicant in  
C.A. No.13107 of 2016 - intervenor

----

**CORAM : SUNIL P. DESHMUKH  
AND**

**R.G. AVACHAT, JJ.**

**DATE : MAY 03, 2019**

**PER COURT**

Heard learned Counsel appearing for parties, including  
learned Counsel for applicant in Civil Application No.13107 of 2016.

2. Learned Counsel for applicant in Civil Application No.13107  
of 2016, on instructions, states that his client has no particular  
objection for withdrawal of the amount, as prayed for in Civil  
Application No.13108 of 2016 and that the applicant has compromised  
the matter.

3. Learned Counsel for applicant in Civil Application No.13108 of 2016 submits that acquisition in present matter is in respect of the same village, under the same project and notification, as involved in Civil Application No.5640 of 2018 in First Appeal No.2680 of 2016. He points out that in that matter, order came to be passed allowing applicant therein to withdraw 75% of the amount out deposited, on certain conditions. Aforesaid position is not disputable.

4. In view of the aforesaid, we deem it appropriate to treat present application also in the same manner. As such, we pass following order :-

(I) The applicant is permitted to withdraw 25% of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event the applicants are directed to deposit the amount, they will refund the amount within a period of one month from the date of issuance of such order.

(II) The applicant is permitted to withdraw further sum of 25% deposited, on furnishing solvent surety in the like amount.

(III) The applicant is permitted to withdraw further sum of 25% out of the amount deposited on furnishing Bank guarantee of a Scheduled Bank or Nationalised Bank in the like amount.

(IV) Balance 25% amount of the total amount deposited by the acquiring body in this Court shall be invested in fixed deposit receipts initially for a period of three years and the fixed deposit receipts be renewed thereafter until disposal of appeal.

5. Civil Application stands disposed of accordingly.

**[R.G. AVACHAT, J.]**

**[SUNIL P. DESHMUKH, J.]**

kbp