

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12425 OF 2019

IN

FIRST APPEAL NO.1368 OF 2010

**(Shahanajbee w/o Yusuf Patel Vs. M.I.D.C. through its Regional Officer and
another)**

Mr. M.L. Dharashive, Advocate for the applicant

Mr. S.S. Dande, Advocate for respondent No.1

Mr. S.N. Morampalle, A.G.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 13.12.2019

PER COURT :

Learned Advocate Mr. M.L. Dharashive for the applicant submits that he has already informed the office about having obtained no objection from the earlier Advocate. He shall approach the office and satisfy the officer concerned in that respect.

2. This is an application filed by the original claimant seeking modification of the order passed by this Court on 09.02.2011, whereby she was allowed to withdraw 50% of the amount deposited by the Acquiring Body in this Court, 25% without furnishing any surety and 25% by furnishing a bank guarantee. It appears that she was unable to furnish any bank guarantee and withdrew only 25% of the compensation amount deposited in this Court. Now she is seeking modification to the effect that

she may be allowed to withdraw 50% of the remaining amount or atleast the amount of interest accrued thereon.

3. After having heard both the sides, in my considered view, it would not be appropriate to modify the order after a lapse of eight years. The only condition that was expected to be obeyed was to furnish a bank guarantee. Had the applicant fulfilled that condition, she could have earned the interest. The application is rejected.

4. List the First Appeal for final hearing on 10.01.2020.

5. Consequently, Civil Application No.13754/2018 for fixing the appeal for final hearing stands disposed of.

[MANGESH S. PATIL]
JUDGE