

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

910 CIVIL APPLICATION NO.14220 OF 2017
IN FA/3108/2009

PANDHARI VITHAL CHAME (DIED) THR LRS GEETABAI AND ORS
VERSUS
THE REGIONAL MANAGER M.I.D.C, REGIONAL OFFICE, LATUR AND ANR

...
Advocate for Applicants : Mr. Patil Mahesh S.
AGP for Respondents:Mr. S.S. Dande

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CORAM: T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.

DATE : 7th February, 2019.

ORAL ORDER :

1 This application is filed by the respondents in First appeal No.3108 of 2009 for permission to withdraw the amount of interest which must have accrued on the amount of compensation, deposited by the acquiring body in this Court.

2 This Court has perused the orders made by this Court on 20.11.2009 and the order of Apex Court dated 10.9.2013. This Court had allowed to withdraw 50% of the amount deposited by the acquiring body. Stay was granted subject to deposit of 50% of the amount of compensation by the acquiring body and so by the order dated 20.11.2009, this Court had allowed the original claimants to withdraw only 25% of the amount of compensation. By order of the Apex Court, entire amount of enhanced compensation (100%

compensation amount) was allowed to be withdrawn. Submission was made that by the order made by this Court and the Apex Court 100% amount of compensation deposited by the acquiring body is allowed to be withdrawn by the applicants. Thus, there is question of only giving permission to withdraw the amount of interest which must have been accrued on the amount of compensation deposited.

3 The application is allowed.

4 The interest is allowed to be withdrawn subject to the same conditions imposed by the Apex Court appearing in para No.4, as under:-

“ We direct that the 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 Collector.”

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE