

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

CIVIL APPLICATION NO.3140 OF 2019
IN
FIRST APPEAL NO.889 OF 2013

Nagnath s/o Tukaram Birle,
Since died, through his L.Rs.
Smt. Zingabai Tukaram Birle & ors. ...APPLICANTS

VERSUS

Maharashtra Industrial Development
Corporation, through Regional
Officer, M.I.D.C., Latur & anr. ...RESPONDENTS

Mr S.V. Gundre, Advocate holding for Mr V.D. Gunale, Advocate for the
applicants
Mr P.N. Kutti, A.G.P. for respondent No.2

**CORAM : UJJAL BHUYAN
AND
M.G. SEWLIKAR, JJ.**

DATE : 05-04-2021

PER COURT :

Heard learned Counsel for the parties.

2. This Civil Application has been filed by the original claimants seeking leave of the Court to withdraw the interest amount accrued on fixed deposits made on awarded compensation.

3. Be it stated that land of the applicants was acquired for the purpose of Maharashtra Industrial Development Corporation. Award was passed

granting compensation at the rate of Rs.540/- per are. Thereafter, the claimants i.e., the applicants filed L.A.R. No.52 of 1999 claiming higher compensation at the rate of Rs.100/- per sq. ft. However, reference court awarded compensation at the rate of Rs.22.50 per sq. ft. only.

4. This has led to filing of First Appeal No.889 of 2013 by the original claimant.

5. Learned Counsel for the applicants submits that the compensation amount was deposited in the Registry of this Court whereafter it was invested in fixed deposits.

6. In Civil Application No.5811 of 2016 this Court passed the following order:-

“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. “

7. Learned Counsel for the applicants submits that applicants have withdrawn the compensation amount deposited in the Registry. Now applicants may be permitted to withdraw the amount of interest which had accrued on the deposits. Compensation was deposited in the year 2013

where-after the same was released to the applicants in the year 2017. During this period of four years the amount was lying in the Registry which was invested in fixed deposits where-from interest accrued. He, therefore, submits that the interest amount be released to the applicants.

8. After hearing learned Counsel for the parties and on due consideration, we direct that the applicants shall be permitted to withdraw the amount of interest accrued on the fixed deposits while in the custody of the Registry, if not already withdrawn. The amount shall be released by the Registry upon due verification and proper identification.

9. Civil Application is accordingly disposed of.

(M.G. SEWLIKAR)
JUDGE

(UJJAL BHUYAN)
JUDGE

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