

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

**902 CIVIL APPLICATION NO.6705 OF 2020
IN FA/665/2009**

**KASHINATH BHAGUJI GULE (DIED) THR LRS LAXMAN AND ORS
VERSUS
CIDCO, AURANGABAD**

...
Advocate for Applicants : Mr. Jayabhar Dattatraya R.
AGP for Respondents : Mrs. V.S. Choudhari
Advocate for Respondent No.1 : Mr. A.S. Bajaj
Advocate for Respondent No.4 : Mr. N.S. Choudhary
...

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

DATED : 07th APRIL, 2021

PER COURT:-

. Heard learned counsel for the parties.

2. This civil application has been filed seeking leave of the Court to withdraw the interest amount which had accrued on fixed deposits made on the compensation amount deposited in the registry of this Court.

3. Be it stated that applicants are the legal representatives of respondent no.2 in First Appeal No.665 of 2009 filed by the City and Industrial Development Corporation (CIDCO) against judgment and award dated 08.01.2008 passed by the reference Court under Section 18 of the Land Acquisition Act, 1894 in L.A.R. No.692/1997.

4. This Court by order dated 02.05.2011 had stayed the judgment and award dated 08.01.2008 on condition that the appellant i.e. CIDCO should deposit 75% of the amount awarded by the reference

Court in this Court which amount was accordingly deposited by the appellant CIDCO.

5. It is stated that there were two claimants in L.A.R. No.692/1997 i.e. Raosaheb and Kashinath. Applicants are the legal representatives of Kashinath, who has since expired.

6. This Court by order dated 26.08.2011 had allowed the applicants to withdraw their share of the compensation amount as deposited in the Court which was modified by the subsequent order dated 09.04.2014.

7. Be it stated that the compensation amount as deposited in the Court were kept in fixed deposits by the registry. In these circumstances, the present application has been filed to permit the applicants to withdraw the interest amount accrued on the fixed deposits subject to the extent of their share in the compensation amount.

8. Respondent no.1 has filed reply affidavit to this civil application requesting the Court not to allow the prayer made as it has expressed its hope of success in the appeal.

9. Be that as it may, considering the orders passed by this Court in identical applications, we allow the prayer made by directing the registry to release the interest amount accrued on the fixed deposits to the applicants to the extent of their shares in the compensation amount on furnishing personal undertakings on usual terms and on proper identification.

(3)

10. Civil application is disposed of.

[M.G. SEWLIKAR, J.]

[UJJAL BHUYAN, J.]

Mujaheed//