

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

17 CIVIL APPLICATION NO.3129 OF 2022
IN FA/4117/2016

DAGADU TOTARAM PATIL (DIED) THR LRS KHANDU (DIED) THR LRS
LILABAI AND ORS
VERSUS
THE AREA MANAGER, MIDC, JALGAON AND ORS

Mr Kuldeep Patil, Advocate h/f Ms Usha Yadav, Advocate for applicants
Mr G.S. Khaire, Advocate h/f Mr S.S. Dande, Advocate for respondent no.1
Mr S.N.Morempalle, A.G.P. for respondents no.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. Mr G.S. Khaire, learned Advocate for respondent No.1/MIDC and Mr S.N. Morampalle, learned A.G.P. for respondents No.2 and 3 have no objection to delete the names as shown in prayer clause (B) in view of relinquishment deed executed by them. They have also no objection to modify the prayer accordingly so as to withdraw in all 75% amount of compensation.
2. Having regard to no objection given by learned Advocate for respondent No.1/MIDC and learned A.G.P. for State, there is no difficulty to allow prayer clause (B) regarding deleting of names of respective applicants.
3. So far as modification of order granting permission to withdraw the compensation amount is concerned, this Court was pleased to allow the applicants/original claimants to withdraw 50% amount of compensation by allowing Civil Application No.11399 of 2017 in First Appeal No.4117 of 2016 with connected matters vide order dated 14.2.2018.

4. Mr Kuldeep Patil learned Advocate for applicants seeks leave to place on record copy of order dated 14.6.2018 passed by this Court (Coram : K.K. Sonawane, J.) in Civil Application No.6200 of 2018 in First Appeal No.4048 of 2016. Leave granted. The copy of order dated 14.6.2018 is taken on record and marked as "X" for identification. He submits that in view of above order dated 14.6.2018, the applicants have been allowed to withdraw in all 75% amount of compensation.

5. Mr Khaire, learned Advocate for M.I.D.C. and Mr S.N. Morampalle, learned A.G.P. for State fairly conceded the position of allowing the applicants to withdraw 75% amount of compensation in the matters referred above. On the same line, order can be modified.

ORDER

- (i) The application is allowed in terms of prayer clause (B) and (C).
- (ii) The order dated 14.2.2018 passed in Civil Application No.11399 of 2017 in First Appeal No.4117 stands modified and thereby the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court and further the applicants/claimants are permitted to withdraw 25% amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.
- (iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)