

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9057 OF 2022
IN FA/2683/2016

MEENABAI MADHUKAR DESHMUKH
VERSUS
THE REGIONAL OFFICER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORP., LATUR AND ANOTHER

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Mr. V.V. Ingle, Advocate for the applicant.
Mr. S.S. Dande, Advocate for respondent No. 1.
Smt. M.A. Deshpande, A.G.P. for respondent No. 2.

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CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.

DATE : 12 JULY 2022

ORDER :

This is an application for further withdrawal of the amount of compensation deposited, on the ground that the applicant is suffering from Cancer, for which certain medical reports are produced.

2. Normally, we would have considered the ground as put-forth, however, upon hearing the learned Counsel for the parties, we find that by a reasoned order dated 24 June 2016 in Civil Application No. 8849 of 2016, 75 % of the amount deposited by the respondent – Acquiring Body, has been allowed to be withdrawn by the applicant out of which 25% is on furnishing

personal undertaking, further 25% on furnishing solvent surety and the balance 25% on furnishing bank guarantee of a Scheduled or Nationalized Bank. Thus, only the balance 25% is lying before this Court.

3. The learned Counsel for the respondent – Acquiring Body states that approximately the amount of compensation deposited is to the tune of Rs. 1,00,00,000/- (Rupees One Crore) and Rs. 75,00,000/- (Rupees Seventy Five Lakh) has been permitted to be withdrawn as aforesaid. He also submits that the enhancement granted by the Reference Court is exorbitant, and therefore, he has good chances of success in the appeal and if the entire amount is allowed to be withdrawn, that will adversely affect the interest of the Acquiring Body.

4. We find that a substantial part of the amount has already been allowed to be withdrawn, which is to the extent of Rs.75,00,000/- (Rupees Seventy Five Lakh) way back in the year 2016 and further considering the fact that earlier order was passed after hearing both the sides, we do not find it necessary or appropriate to revisit the same.

5. The Civil Application is accordingly disposed of. Hearing of the First Appeal is expedited.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

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