

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

912 CIVIL APPLICATION NO.2836 OF 2022
IN FA/4059/2016

ASHOK VITTHAL BHOLE AND ORS

VERSUS

THE AREA MANAGER, M.I.D.C.,
JALGAON AND ORS

...

Advocate for Applicants : Mr Kuldeep Patil h/f Ms Usha V. Yadav
Advocate for Respondent No.1 : Mr G.S. Khaire h/f Mr S.S. Dande
AGP for Respondent Nos. 2 and 3 : Mr S.P. Deshmukh

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 4th March, 2022

PER COURT :

1. Heard Mr Kuldeep Patil holding for Ms Usha V. Yadav, learned counsel for the applicants, Mr G.S. Khaire holding for Mr S.S. Dande, learned counsel for respondent No.1/MIDC and Mr S.P. Deshmukh, learned AGP for respondent Nos. 2 and 3/State.
2. It is an application for withdrawal of amount moved by the applicants.
3. Mr Kuldeep Patil holding for Ms Usha V. Yadav, learned counsel for the applicants seeks leave to place on record copies of the orders passed by this Court in Civil Application No. 5934/2017 in First Appeal No. 2164/2014 dated 26th July, 2017 and Civil Application Nos. 11384/2017 and 11382/2017 in First Appeal No. 4047/2016 dated 27th October, 2021 arising out of same project and same acquisition proceedings wherein this Court was pleased to allow the applicants to withdraw 100% amount of compensation, however, on certain conditions.

4. The copies of the orders relied upon by Mr Kuldeep Patil are taken on record and marked as 'X' and 'Y' for identification.

5. Mr G.S. Khaire holding for Mr S.S. Dande, learned counsel for respondent No.1/MIDC also seeks leave to place on record copy of order passed by this Court in Civil Application No. 6726/2020 in First Appeal No. 411/2020 and submits that this Court was pleased to allow the claimants to withdraw 50% of the amount of compensation. He seeks leave to place on record copy of the order and the same is taken on record and marked as 'Z' for identification.

6. Having regard to the orders passed by this Court marked as 'X' and 'Y' whereby this Court was pleased to allow 100% withdrawal of the compensation amount. It would be appropriate to take the same on record.

ORDER

(A) The application is hereby allowed as under :-

- (i) The applicants are permitted to withdraw 75% of the deposited amount on furnishing solvent surety/security/bank guarantee of any nationalized bank or scheduled bank in the like amount.
- (ii) The applicants are further permitted to withdraw 25% of the amount deposited by the acquiring body on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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