

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.1949 OF 2023

IN FA/2186/2016

UMAKANT BABURAO KULKARNI DIED THR LRS MADHUKAR
BABURAO KULKARNI AND ORS

VERSUS

M.I.D.C. THR REGIONAL OFFICER, LATUR AND ORS

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Advocate for Applicants : Mr. Manale Satish S.
AGP for Respondent Nos.2 and 3 - State : Mr. R. D. Sanap
Advocate for Respondent No.1 : Mr. S. S. Dande

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**CORAM : SMT. VIBHA KANKANWADI AND
Y. G. KHOBRAGADE, JJ.**

DATE : MARCH 15, 2023.

ORDER :-

. By this application, the applicants are praying thus :-

"b) The Registry of this Hon'ble Court may kindly be directed to pay the accrued interest on the amounts paid to the applicants from the proportionate interest on the amount withdrawn by the applicants from time to time."

2. Heard learned Advocate Mr. S. S. Manale for the applicants, learned Advocate Mr. S. S. Dande for respondent No.1 and learned AGP Mr. R. D. Sanap for respondent Nos.2 and 3 - State.

3. Taking into consideration the various orders those were passed in the past in the present matter and carried to Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (C) No(s).13191-13194-6694/2018, wherein the order was passed on 15.05.2018 that the 50% of the enhanced compensation granted to the petitioners should be released without furnishing surety, but on an undertaking to be furnished within a period of four weeks from 15.05.2018 and the balance of 50% shall be released on furnishing security to the satisfaction of the reference Court. The Special Leave Petitions were disposed of. The applicants submit that they have withdrawn amounts in batches. According to the calculations, respondent No.1 has deposited 75% of the total awarded amount, which appears to have been withdrawn as per the order passed by the Hon'ble Supreme Court. However, as regards the interest accrued, the registry has not paid it to the applicants. Hence, the present application.

4. We have ensured that the order passed by this Court also was carried to the Hon'ble Supreme Court. Under such circumstance, the said order would be applicable to the present application also and, therefore, there is no hurdle in allowing the applicants to withdraw the proportionate interest on the amount withdrawn by the appellants from time to time.

5. Accordingly, the application stands allowed and disposed of in terms of prayer clause 'B'. However, since the amount is lying with this Court, the necessary undertaking be given by the applicants before the learned Registrar (Judicial) of this Court.

[Y. G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm