



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

**CIVIL APPLICATION NO.3317 OF 2024 IN
FIRST APPEAL NO.668 OF 2016**

Sou. Sheshabai Narayanrao Chavan-Patil,
Died, through L.Rs.
Arun Narayanrao Chavan-Patil,
Died, through L.Rs.
Adhika Arun Patil & Others

... APPLICANTS

VERSUS

The Regional Office, Maharashtra
Industrial Development Corporation
& Others

... RESPONDENTS

.....
Mr. V.V. Ingale, Advocate for applicants
Mr. S.S. Dande, Advocate for respondent No.1.
Mr. B.B. Bhise, A.G.P. for State

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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 28th MARCH, 2024

ORDER :

This is an application for withdrawal of remaining 50% amount deposited by the acquiring body. We have heard both the sides. Our attention is drawn to the order dated 30/1/2017, passed by the Hon'ble Supreme Court of India in

Civil Appeal No.1223-1224/2017, which reads as under :

“1) Delay condoned.

2) Leave granted.

3. In view of the order dated 11/09/2015 passed in Civil Appeal Nos.7070-7071 of 2015, these appeals are also disposed of by directing that 50% of the enhanced compensation granted to the appellants shall be released without security whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Reference Court.

4. The order(s) of the High Court is/are set aside and the appeals are allowed.”

2. Our attention is also drawn to the order dated 24/1/2020, passed by this Court in Civil Application No.869/2020 in First Appeal No.669/2016. It is in connected matter. In the said order, the remaining 50% amount has been permitted to be withdrawn. The relevant paragraph of the said order dated 24/1/2020 reads as under :

“1. Learned counsel for the applicants states that, order dated 9th February 2018 in Civil Application No.1728 of 2018 in First Appeal No.671 of 2016 has been passed in identical circumstances. In view of the same, we deem it appropriate to follow the same course and pass following order :

2. Registry shall verify the security given by the applicants to the extent of 50% of the amount and after satisfying that total 50% security (before Reference Court and this Court) has been given by the applicants, shall allow the applicants to withdraw 50% of the amount along with accrued interest, if any.”

3. Therefore, we allow this Civil Application in terms of the said order dated 24/1/2020. The Civil Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-