



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CIVIL APPLICATION NO. 4498 OF 2024
IN FA/983/2021

SUMANBAI BABURAO THETE AND ORS
VERSUS
OFFICER IN-CHARGE OFFICE OF M.I.D.C., AURANGABAD AND ANR

Mr.R.V. Gore, Advocate for the applicants.
Mr.S.S. Dande, Advocate for respondent No.1.
Mr.A.M. Phule, AGP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 12.06.2024

PC :-

01. Heard. This application is filed seeking withdrawal of the amount deposited by the Acquiring Body in this Court, pursuant to the judgment and award passed by the learned Reference Court. The applicants are original claimants. Their land is acquired by respondent No.1 for respondent No.2. The learned Advocate for the applicant submits that in similar matters, this Court has permitted to withdraw 50% of the amount of compensation deposited by the Corporation in this Court along with interest accrued thereon.

02. Today, this Court has admitted appeal by a separate order. It is not certain as to when this appeal would be taken for final disposal and it is not desirable to deprive the applicants from the fruits till decision of the appeal. Hence, following order :-

ORDER

- (i) The applicants are permitted to withdraw 50% of the deposited amount along with accrued interest thereon, if any.
- (ii) 25% of deposited amount shall be withdrawn on furnishing usual undertaking.
- (iii) Another 25% of the deposited amount shall be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) Remaining 50% amount shall be deposited in any nationalized bank in the fixed deposit on yearly renewal basis, till disposal of the appeal.
- (v) The Civil Application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]