



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 769 OF 2024
IN FA/678/2016

Kalawati Wamanrao Gaikwad (died) Thr Lrs. Chamakbai Shahaji
Rankhamb

VERSUS

The Regional Officer, Maharashtra Industrial Dev. Co., Latur And Ors

WITH
X-OBJECTION (STAMP) NO. 11767 OF 2016
IN FA/678/2016

WITH
CIVIL APPLICATION NO. 770 OF 2024
IN FA/678/2016

WITH
CIVIL APPLICATION NO. 774 OF 2024
IN FA/678/2016

WITH
CIVIL APPLICATION NO. 773 OF 2024
IN FA/678/2016

WITH
CIVIL APPLICATION NO. 775 OF 2024
IN FA/678/2016

WITH
CIVIL APPLICATION NO. 771 OF 2024
IN FA/678/2016

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Mr. Vivekanand V Ingale - Advocate for Applicant
Mrs. Uma S. Bhosale - AGP for Respondents
Mr. S. S. Dande – Advocate for Acquiring Body

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

DATED : 02ND FEBRUARY, 2024

PER COURT : -

1. These are the applications for withdrawal of the interest to the extent of 1/7th share of each of the applicants.

2. We have heard learned advocate for the applicants and learned advocate for respondent/acquiring body.

3. There is no dispute that the applicants have withdrawn the entire principal amount which was deposited by the Acquiring Body in this Court. Now the request is made for withdrawal of the interest.

4. The advocate for the Acquiring Body opposes the applications. Our attention has been invited to the order dated 16.10.2018 passed by this Court in First Appeal No. 677 of 2016, which is from the same group of appeals. The operative order of the said order reads thus : -

“The Registry of this Court shall verify the security given by the applicant 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50% security (before Reference Court and this Court) has been given by the applicant, shall allow the applicant to withdrawn 50% of the amount along with accrued interest, if any.

5. In view of above, we proceed to pass the following order.

ORDER

- (i) The applications are allowed.
- (ii) The applicants are permitted to withdraw 50% amount of their respective share (i.e. 1/7th share) out of the total interest amount subject to furnishing security and remaining 50% on executing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The Applications for withdrawal of the interest are disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde