

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

6 CIVIL APPLICATION NO. 3411 OF 2014
IN FA/2800/2013

BHAGWAT VISHWANATH TANDALE DIED THROUGH L.RS. GEETA
BHAGWAT TANADALE
VERSUS
MSIDC LATUR THROUGH DIVISI. OFFICER

...
Advocate for Applicants : Mr.Kulkarni Girish N. (Mardikar)
AGP for Respondents: Mrs.V.A. Shinde.
Advocate for Respondent 1: Mr.S B Bhosale.

...

AND/WITH

CA/3412/2014 IN FA/2803/2013 AND/WITH CA/3422/2014 IN
FA/3046/2013 AND/WITH CA/3423/2014 IN FA/3048/2013
AND/WITH CA/3426/2014 IN FA/3049/2013 AND/WITH
CA/3427/2014 IN FA/3043/2013 AND/WITH CA/3428/2014 IN
FA/3047/2013 AND/WITH CA/3432/2014 IN FA/3044/2013
AND/WITH CA/3433/2014 IN FA/3050/2013 AND/WITH
CA/3434/2014 IN FA/3051/2013 AND/WITH CA/3435/2014 IN
FA/2097/2013 AND/WITH CA/3436/2014 IN FA/3045/2013.

...

CORAM : S.S. SHINDE & V.K. JADHAV, JJ.

Dated: April 30, 2014

...

PER COURT :-

1. Heard the learned counsel appearing for the applicant, learned counsel for respondent no.1 and learned AGP for respondent no.2.
2. The learned counsel appearing for the appellant has tendered across the bar the order passed by this Court in Civil

Application No.1446/2014 in First Appeal No.2799/2013. The counsel for the appellant submits that, this Court in similar fact situation allowed the applicants therein to withdraw 50% of the amount deposited (i.e. 25% of total compensation awarded by Reference Court) without furnishing any surety and the remaining 50% amount (i.e. 25% of total compensation awarded by Reference Court) on furnishing Nationalized Bank Guarantee to the satisfaction of the Registrar (Judicial) of this Court and by giving an undertaking that if in the final judgment/order, it is found that the amount withdrawn by the applicant/claimant is in excess than the amount to which they are entitled to, they shall refund the said amount within a period of six weeks from the date of final judgment/order.

3. In the light of submissions made across the bar and order passed by this Court on 7th March, 2014², we pass following order.

4. The applicant/claimant is allowed to withdraw 50% amount (i.e. 25% of total compensation awarded by Reference Court) deposited in this Court on 13.1.2014 without furnishing

any surety and the remaining 50% amount i.e. (25% of total compensation awarded by Reference Court) is allowed to be withdrawn on the applicant/claimant furnishing Nationalized Bank/Scheduled bank guarantee to the satisfaction of the Registrar (Judicial) of this Court and by giving an undertaking that, if in the final judgment/order, it is found that, the amount withdrawn by the applicant/claimant is in excess than the amount to which they are entitled to, they shall refund the said amount within a period of SIX WEEKS from the date of final judgment/order. The applicant/claimant is further directed to keep the bank guarantee alive till the disposal of appeal and for a further period of six weeks from the date of final judgment/order. It is needless to mention that copy of the bank guarantee/undertaking shall be furnished to the learned advocate appearing for Respondent-MIDC, within a period of TWO WEEKS from the date of the bank guarantee.

5. With these observations, Civil Applications stand disposed of.

(V.K. JADHAV, J.)

(S.S. SHINDE, J.)

PLK/-