2026:BHC-AUG:20713

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 5407 OF 2026
IN FA/678/2016

KALAVATI WAMARAO GAIKWAD (DIED) THROUGH LRS CHABUBAI VINAYAK CHAVAN.
VERSUS
REGIONAL OFFICER, MIDC AT LATUR AND ORS.

Mr. V.V. Ingale, Advocate for the applicant.
Mr. S.S. Dande, Advocate for the respondent-MIDC.
Ms. U.S. Bhosale, AGP for the respondent-State.

CORAM : KISHORE C. SANT & SUSHIL M. GHODESWAR, JJ.
DATE : 07.05.2026

PC :-

01. This application is filed for withdrawal of remaining 50% amount of interest. Principal amount is already withdrawn and 50% amount of interest is also withdrawn. Only remaining 50% amount of the interest on principal is lying in this Court.

02. Learned Advocate Mr. Dande vehemently opposes this application. He submits that principal amount is already withdrawn, which was to the tune of Rs. 67 lakhs. The interest amount to the extent of 50% is already withdrawn. If the entire amount of interest is now withdrawn, this would be practically satisfying the award itself. The applicant is resident of Karnataka and it would be difficult to recover the amount, in case the appeal is allowed.

03. This Court finds that the amount is only towards interest. Principal amount is already withdrawn. Only 50% amount of interest is lying in this Court. Taking into consideration interest of the respondents, following order is passed.

i) Civil Application is allowed.

ii) The applicant is allowed to withdraw remaining amount of interest lying in this Court on furnishing Bank Guarantee of any nationalized/scheduled bank, to be kept alive till disposal of the appeal.

[SUSHIL M. GHODESWAR, J.] **[KISHORE C. SANT, J.]**

snk/2026/May26/ca5407.26