

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

CIVIL APPLICATION NO. 2375 OF 2015

IN

FIRST APPEAL NO. 1717 OF 2010

Shrirang Sitaram Khaire
(Deceased through LRs)

.. APPLICANT

VERSUS

M.I.D.C.
Through the Regional officer,
Latur and another

.. RESPONDENTS

Mr. M.S. Patil, advocate for applicant.
Mrs. A.V. Gondhalekar, AGP for the State.
Mr. S.S. Dande, advocate for respondent no. 1.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 17th APRIL, 2015.**

PER COURT :

1. For the reasons recorded while disposing of Civil Application no. 782/2011 in First Appeal No. 1725/2010 and other companion applications, we pass following order :

Applicant/claimant is allowed to withdraw 50% amount (i.e. 25% of total compensation awarded by reference Court) deposited in this Court in pursuance of the order dated 23rd July, 2010, passed on civil applications in these First Appeals 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any surety and the remaining 50% amount (i.e. 25% of total compensation awarded by reference Court) is allowed to be withdrawn on the applicant / claimants furnishing bank guarantee to the satisfaction of the

Registrar (Judl.) of this court and by giving an undertaking that, if in the final judgment / order, it is found that the amount withdrawn by the applicant / claimant is in excess than the amount to which he is entitled to, he shall refund the said amount within a period of six weeks from the date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 / the undertaking shall be furnished to the learned advocate appearing for respondent no. 2, within a period of two weeks from the date of the bank guarantee.

2. With these observations, civil application stands disposed of.

3. Copy of this order duly authenticated be provided to the learned counsel for the parties.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb