

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

CA/5113/2015 IN FA/1946/2014

...

SOMNATH SHANKARAPPA KOTHALE DIED L.RS. SHANKARAPPA AND
ANR.

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Mahesh S.Patil
Mr. NB Patil, AGP; for Respondent/s.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 12th JUNE, 2015.

PER COURT :

1) Heard. This is an application seeking withdrawal of the amount deposited by the Respondent/State (Appellant in First Appeal). The State Government was directed to deposit an amount to the extent of 75% out of the decretal amount; and in pursuance of the directions, the State Government has deposited Rs.10,64,842/- in this Court.

2) Considering the facts and circumstances, ends of justice would be met, if the applicant is permitted to withdraw 50% of the amount, out of the amount deposited by the State Government, on a condition of tendering an undertaking to the court that in the event of success of the appeal, he/she would re-deposit the amount; and the balance amount of 50%, out of the amount deposited by the State in this court, shall be permitted to be withdrawn on furnishing a solvent security for the like amount.

3) Civil Application is disposed of.

**(P.R.BORA)
JUDGE**

**(R.M.BORDE)
JUDGE**

bdv/