

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

CIVIL APPLICATION NO.7526 OF 2015
IN
FIRST APPEAL NO.439 OF 2015

Parameshwar Aasaram Garde

..Applicant

Versus

The Executive Engineer, L.D.P.
Selu and ors.

..Respondents

Mrs Asha D. Rakh, Advocate for applicant
Mr G.R.Ingole, A.G.P. for respondents 2 and 3
Mr S.G. Sangle, Advocate for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 5th August 2015

PER COURT

1. In similar matter i.e. Civil Application No.7336 of 2015 in First Appeal No.459 of 2015 and companion matter, this Court has passed order on 14th July 2015 and the parties are in agreement that same order can be passed in the present matter. Hence, the following order:

2. Learned Counsel for respondents concedes the request of the applicant for withdrawal of the amount.

3. Learned Counsel for respondents submits that withdrawal to the extent of 50% can be granted and respondents will not have any objection.

4. In view of above statement, the applicant is permitted to withdraw 50% of the amount deposited before this Court and

remaining amount be deposited in fix deposit in Nationalised Bank, initially for a period of three years.

5. In view of order passed by this Court on 27th March 2015 in C.A.No.13066/2014 in F.A.No.2384 of 2014, the orders passed by this Court in the matter of Wajidmiya Abdul Raheman Shaikh & Ors. Vs. Maharashtra Ind. Dev. Corporation and ors. Referred herein, the above referred withdrawal of 50% is upon understanding of the applicant that he shall redeposit the same within eight weeks from the said order, if the order, adverse to his interest is passed.

6. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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