

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA 11528-15

**922 CIVIL APPLICATION NO. 11528 OF 2015 IN
FA/2230/2012**

VISHWANATHAPPA NAGSHETTIAPPA KAPSE DIED THR HIS LRS
VIJAYKUMAR VISHWANATHAPPA KAPSE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Patil Mahesh S.
AGP for Respondent State : Mr. N.B. Patil
Advocate for Respondent No.2: Mr. T.B. Bhosle

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: September 11, 2015

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PER COURT :-

1) This is an application seeking withdrawal of amount of Rs.1,96,69,788/- deposited by non applicant in the executing Court.

2) (a) The applicant shall be permitted to withdraw 25 per cent out of the total amount deposited by the acquiring body in the executing Court on furnishing undertaking to the effect that, in the event of success of appeal, they would re-deposit the amount in the executing Court within a period of 12 weeks from such a decision.

(b) A further sum of 25 per cent out of the total amount deposited by the acquiring body shall be permitted to be withdrawn on furnishing solvent surety or Bank guarantee of a Nationalized Bank to the satisfaction of the executing Court.

agp/-

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(c) Remaining amount to the extent of 50 per cent out of the amount deposited by the acquiring body in the executing Court, shall be invested in a Nationalized Bank in a fixed deposit initially for a period of three years, and the fix deposit receipt shall be renewed thereafter until disposal of the appeal.

With these directions, Civil Application is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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