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ca1076.15 etc..

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1076 OF 2015
IN
FIRST APPEAL (ST.) NO. 30083 OF 2013

Rangnath Natha Sathe-deceased thr. L.Rs
Smt. Dwarkabai Rangnath Sathe & ors.

...APPLICANTS

VERSUS

The Executive Engineer, Krishna Khore
Mahamandal Minor Irrigation Divn.-I,
Ahmednagar & anr.

...RESPONDENTS

Mr D. R. Jayabhar, Advocate for applicants;
Mr G. B. Rajale, Advocate for respondent No. 1;
Mr D. R. Korde, Asstt. Govt. Pleader for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 12th June, 2015

ORAL ORDER

The parties are in agreement that by orders dated 19th September, 2014 and 7th November, 2014, passed in Civil Application No. 234 of 2014 in First Appeal (St.). No. 30132 of 2013 and Civil Application No. 7224 of 2014 in First Appeal 568 of 2014 respectively, this Court under the same notification under section 4 of the Land Acquisition Act has permitted withdrawal of the amount.

2. In view of above, the present civil applications stand allowed, in view of the observations made by this Court in the order dated 19th September, 2014 in Civil Application No. 7234 of 2014 in First Appeal (St.) No. 30132 of 2013 and connected matters. Hence, following order.

(A) Applicants are entitled to withdraw 25% amount deposited by the Respondent/ acquiring body before Reference Court, without furnishing any Bank Guarantee and/or surety.

(B) Remaining 75% amount can be withdrawn by the applicants/original claimants by furnishing Bank Guarantee of any Nationalized Bank to the satisfaction of the Reference Court, on undertaking that the Bank Guarantee Guarantee will remain in force, till hearing and final disposal of these First Appeals.

(C) Civil Applications stand allowed accordingly.

(N.W. SAMBRE, J.)

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