

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

CIVIL APPLICATION NO.9863 OF 2015
IN
FIRST APPEAL NO.784 OF 2015
WITH
CIVIL APPLICATION NO.8476 OF 2015

Pralhad Bapurao Borkar

..Applicant

Versus

The State of Maharashtra
and ors.

..Respondents

Mr A.B. Kale, Advocate for applicant
Mr V.P. Kadam, A.G.P. for respondents No.1 and 2
Mr S.C. Arora, Advocate for respondent No.3

CORAM : N.W. SAMBRE, J.

DATE : 17th August 2015

PER COURT

1. This is an application for speaking to minutes, moved by the claimant. The appeal of the acquiring body came to be dismissed vide order of this Court dated 4th August 2015, however, the Civil Application No.8476 of 2015, which was filed by the claimant for modification of the order dated 2nd February 2015 to the extent of allowing the claimant to withdraw the amount by furnishing solvent security instead of furnishing Bank Guarantee, inadvertently was remained undecided, as the same was simplicitor disposed of.

2. By the present application, the applicant/claimant seeks modification of the order dated 4th August 2015 to the extent of paragraph 12 of the order, thereby allowing the applicant to withdraw the amount deposited by the respondent - acquiring body in this Court.

3. Heard Mr Kale, learned Counsel for the applicant/claimant and Mr Arora, learned Counsel for respondent No.3 – acquiring body. Mr Arora opposes the prayer on the ground that his instructions about withdrawal of the amount are awaited, hence he seeks time.

4. In view of the fact that the appeal is already dismissed on 4th August 2015, there is no point in keeping the application for withdrawal pending for instructions from the acquiring body.

5. In view thereof, it will be appropriate to modify paragraph No.12 of order dated 4th August 2015. As such, paragraph 12 of the said order be read as under :

“12. In view of dismissal of the appeal, the application for withdrawal of amount needs to be granted. The respondent No.1 – claimant will be entitled to withdraw the amount deposited by the acquiring body after the appeal period is over, by furnishing solvent security instead of Bank Guarantee, as directed vide order dated 2nd February 2015”.

6. As such, Civil Application No.8476 of 2015 for modification of order dated 2nd February 2015 and present Civil Application for modification of order dated 4th August 2015 stand disposed of in above terms.

(N.W. SAMBRE, J.)

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