

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9778 OF 2014
IN FA/859/2005

KASHIRAM KALNU NAIK DIED LRS KOTIYABAI AND OTHERS
VERSUS
THE COLLECTOR, AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents 1 and 2: Mrs. S.A. Dhumal
Advocate for Respondent No.4 : Mr. S.G. Sangle
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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th MARCH, 2015

P.C. :-

1. The application is presented seeking modification of order passed by the Division Bench on 22.4.2008 in civil application No. 2934 of 2007.
2. By virtue of above referred order, the applicants are permitted to withdraw an amount of Rs.9,91,114/- on furnishing bank guarantee of a Nationalized Bank for the aforesaid amount to the satisfaction of Registrar (Judicial) of this court.
3. The applicants submit that they are poor agriculturists and are not in a position to secure Bank Guarantee of Nationalized Bank. The withdrawal of amount permitted by this Court is to the extent of 50% awarded amount.

4. Considering the facts and circumstances of the case, we deem it appropriate to permit the applicants to withdraw 50% of the amount out of 50% of amount of Rs.9,91,114/- together with proportionate interest, on furnishing undertaking to the court that in the event of success of appeal, the applicants would re-deposit the amount in this Court, within a period of six weeks from such decision. The balance amount shall be permitted to withdraw by the applicants on furnishing solvent security in the like amount together with proportionate interest thereon.

5. Civil application stands disposed of.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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