

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 12767 OF 2015
IN FA/864/2015
WITH CA/12769/2015 IN FA/865/2015

BAPURAO RAMJI GAMBHIRE DIED THROUGH HIS LRS SARJABAI BAPURAO
GAMBHIRE AND OTHERS
VERSUS
THE GMIDC, AURANGABAD THR ITS EXECUTIVE ENGINEER, LATUR MINOR
IRRIGATION DIVISION

...
Advocate for Applicants : Mr. Patil Shashikiran N.
GP for Respondents:Mr.A.B. Girase
Advocate for Respondent No.1 :Mr. B.R.Surwase
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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: October 09, 2015
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PER COURT :-

1 The applicants are seeking modification of the order passed by this Court on 11.9.2015, directing the applicants to furnish bank guarantee, while withdrawing the amount under Award. It is contended that, the applicants are not in a position to secure bank guarantee from the nationalized bank and as such, request for grant of liberty to withdraw the amount on furnishing solvent surety.

2 Considering the facts of the case, the applicants shall be permitted to withdraw 75% of the amount out of the total amount

deposited by the acquiring body in this Court and the balance 25% of the amount shall be invested in fixed deposit in nationalized bank, initially for a period of three years and FDRs shall be renewed thereafter, for a period until disposal of the appeals. The applicants shall furnish solvent surety or bank guarantee of nationalized bank for the amount, to the extent of 50% out of 75% and balance 50% out of 75% shall be permitted to be withdrawn on furnishing undertaking to the Court that, in the event of success of appeal, they would re-deposit the amount within a period of 12 weeks from such decision.

3 Civil Applications are disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)