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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1323 OF 2015
IN
FIRST APPEAL NO. 810 OF 2013**

Shyam Narayan Kulkarni and Others	...Applicants
<i>In the matter between</i>	
Ichalkaranji Municipal Council	...Appellant
vs	
Shyam Narayan Kulkarni and Others	...Respondents

Mr. Nagesh Chavan, for the Applicants.
Mr. Akshay Shinde, for the original Appellant.

CORAM : R.D. DHANUKA, J.

DATED: APRIL 29, 2015

P.C. :

. By this Civil Application, the applicants seeks recall of the order dated 12th September, 2014 passed by this Court in Civil Application No. 1366 of 2014 and further seeks relaxation of the condition imposed by this Court in the said order. In so far as, the direction to submit a bank guarantee as a condition precedent for withdrawal of the amount deposited by the Municipal Council is concerned, the learned counsel appearing for the parties have no objection if the said order is recalled and modified, as under:

a) The applicants would be allowed to withdraw the amount of compensation awarded by the Land Acquisition Officer in Reference No. 05 of 2005 along with interest thereon unconditionally.

b) The parties have also agreed that in so far as the enhancement of the compensation awarded by the Civil Judge, Senior Division, Ichalkaranji in Reference No. 05 of 2005 is concerned, the applicants would be entitled to withdraw the enhanced amount with interest on the applicants furnishing a solvent surety of one or more persons to the satisfaction of the Reference Court and upon the applicants furnishing an undertaking to the Reference Court to refund the enhanced amount withdrawn under this order with interest at such rate as this Court may order at the disposal of the First Appeal.

3] Civil Application is disposed of in the aforesaid terms.

4] The parties as well as the Reference Court to act on the authenticated copy of this order.

5] No order as to cost.

(R.D. DHANUKA, J.)