

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

**Civil Application No.1025 of 2016
In
First Appeal No.867 of 2014**

Keru Narayan Gawade
Since deceased through
legal representatives.

.. Applicants.

Versus

The Executive Engineer,
Krishna Khore Mahamandal,
Ahmednagar & Another.

.. Respondents.

Shri. N.C. Garud, Advocate, for applicants.

Shri. G.B. Rajale, Advocate, for respondent No.1.

Smt. R.P. Gaur, Assistant Government Pleader, for
respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The application is filed by the original claimant for permission to withdraw the amount deposited by the acquiring body. Heard both the sides.

2) A copy of order dated 16th December 2015 made by this Court in Civil Application No.16303 of 2015 in First Appeal No.874 of 2014 is produced on the record.

This order shows that 50% of the amount is allowed to be withdrawn subject to giving undertaking by the claimants. 25% amount is allowed to be withdrawn on furnishing solvent surety and the remaining 25% amount is directed to be kept in fixed deposit.

3) The applicants are allowed to withdraw 50% of the amount deposited on submitting undertaking to the Executing Court that in the event the appeal is allowed and the applicants are directed to deposit the amount they shall deposit the same within a period of one month. The applicants are further allowed to withdraw 25% of the amount deposited on furnishing solvent surety of the like amount and the remaining 25% of the amount be kept in fixed deposit of any nationalized bank. In those terms the application is allowed and disposed of.

Sd/-
(T.V. NALAWADE, J.)

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