

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and Registrar's orders.	Notes, of Coram, Court's orders or	Court's or Judge's orders.
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CIVIL APPLICATION NO. 2219 OF 2016
IN FA/1033/2009

KHAJAMIYA BASHUMIYA PATHAN SINCE DECEASED THR HIS
LRSNAJAN AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants : Mr. Katneshwarkar P. R.
Advocate for Respondent No.2: Mr. S. S. Dande.

CORAM: T. V. NALAWADE, J.
DATED: 24th FEBRUARY, 2016.

PER COURT:

1. The application is filed for releasing the bank guarantee furnished by original claimants for getting 50% amount as per the order made by this Court on 29th January, 2010. It appears that in subsequent Application No.208 of 2015 prayer was made for granting permission to release the remaining 50% amount. This application was rejected by order dated 23rd January, 2015. This order was challenged in Supreme Court and the matter came to be decided along with Civil Appeal No.13965 of 2015 dated

30th November, 2015. The learned counsel for the acquiring body is not disputing that the Apex Court has allowed the appeal filed by present applicants, original claimants.

2. The Apex Court has allowed the original claimants to withdraw the entire amount. 50% amount is to be released without giving security whereas the balance 50% amount is to be released subject to furnishing security to the satisfaction of the Collector. In view of this circumstance, the bank guarantee furnished by the original claimants is released. Security in respect of 50% is to be given to the satisfaction of the Collector. In those terms, the application is allowed and disposed of.

(T. V. NALAWADE, J.)

Dt.24/02/2016.
ans/2219