

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.11204/2016

**933 CIVIL APPLICATION NO. 11204 OF 2016
IN
CA NO.2932/2007
IN
FA/860/2005**

BAJESING BHALJU SABLE DIED THR LRS BHAVSING AND
ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr.Kale Ajeet B.
Mr.S.G. Sangale, Advocate for respondent no.3.

...
CORAM : P.R. BORA, J.
Dated: November 18, 2016

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PER COURT :-

1. The applicants / claimants have filed the present application seeking modification in the order passed by this Court on 22nd of April, 2008, whereby the claimants were permitted to withdraw certain amount on furnishing Bank guarantee in the like amount of any nationalized Bank. In the present application, the applicants / claimants are seeking permission to withdraw 50 per cent of the said amount on furnishing solvent surety in the like amount and balance 50 per cent on simple undertaking that in the event of success of appeal, they shall re-deposit the said amount.

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2. Shri A.B.Kale, learned Counsel appearing for the claimants, has placed on record the order passed by this Court (Coram: T.V.Nalawade,J.) on 29th January, 2016 in companion appeals arising out of the same acquisition proceedings bearing Civil Application No.12618/2015 in First appeal No.845/2005 with connected matters wherein this Court had modified the earlier order, thereby permitting the claimants to withdraw 50% of the amount on furnishing solvent surety in the like amount in stead of Bank guarantee and to withdraw remaining amount 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.

In view of the above, following order is passed:

ORDER

1. The order dated 22nd of April, 2008 is modified as under:

(a) The condition earlier imposed as regards furnishing Bank guarantee is relaxed.

b) That the applicants are permitted to withdraw 25 per cent of the deposited amount on submitting -

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the solvent surety to the satisfaction of the Registrar (Judicial).

c) The applicants are further permitted to withdraw 25 per cent of the deposited amount by submitting an undertaking to this Court that in the event of success of the appeal, the applicants would re-deposit the amount so withdrawn by them in this Court within a period of six weeks from passing of such order.

d) The remaining 50 per cent of the deposited amount shall be invested in Fixed Deposit Receipt in any Nationalized Bank till disposal of the appeal.

Civil Application for modification of the order stands disposed of.

(P.R. BORA, J.)

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