

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CIVIL APPLICATION NO. 14196 OF 2016
IN FA/1803/2013

MARUTI LAKULA MANE DIED THR LRS CHANDRAKANT MARUTI
MANE
VERSUS
THE DY. CHIEF ENGINEER, CENTRAL RAILWAY (CONSTRUCTION)
DIV. PUNE AND ANR

...
Advocate for Applicants : Gundre Suraj V
AGP for Respondents: G.O. Wattamwar
Advocate for Respondents : M.n. Navandar gor R/1
...

CORAM : P.R. BORA, J.
DATE : 24-10-2016.

P.C. :

1. In the present matter the original claimants were previously permitted by this court vide order passed on 07.07.2015 to withdraw 50% of the deposited amount. Now, the claimants are seeking withdrawal of the balance 50% amount. The learned counsel submitted that, the first appeals are dismissed by the court in default and, as such, the applicants are entitled for seeking withdrawal of the balance amount.

2. Shri. Navandar, learned counsel appearing for the acquiring body has, however, submitted that all those matters were admitted and after admission the appellant was directed to submit the paper book, however, for non-submission of the paper book the appeals have been dismissed. The counsel further submitted that,

the said fact has come to the knowledge of the acquiring body recently and the restoration applications are likely to be filed within few days. In view of the submissions so made, the applicants cannot be permitted a blanket withdrawal, however, if the applicants insist for withdrawal they are permitted to withdraw the aforesaid amount on furnishing bank guarantee in the like amount of any nationalised bank. Civil application stand disposed of.

(P.R. BORA)
JUDGE

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