

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

940 CIVIL APPLICATION NO. 15377 OF 2016
IN FA/476/2015

TUKARAM TRIMBAK DONGARE DESEASED THROUGH HIS LRS
PARIGABAI AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION NO
1AURANGABAD AND ANOTHER

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Advocate for Applicants : Mr. Bide Dnyaneshwar A
Mr. U.K.Patil, Adv. For R/1
Mr. YG Gujrathi, AGP for Respondents:2

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CORAM : P.R. BORA, J.
Dated: November 25, 2016

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PER COURT :-

1) Heard the learned Counsel for the respective parties. In view of the submissions made by the learned counsel for the parties, following order is passed.

2) The applicants are permitted to withdraw 50% of the deposited amount on furnishing an undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four months of passing such order;

3) The applicants are further permitted to

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withdraw 25% of the deposited amount on furnishing a solvent surety in the like amount;

4) Balance 25% amount be invested in FDR of any nationalized Bank till disposal of the appeal.

5) CA for withdrawal of the amount is disposed of.

6) Since arguable issues are raised in the appeal, **Admit.** Learned AGP and learned Counsel waive service for respective respondents.

(P.R. BORA, J.)

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