

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) CA NO.14874/2016 & 14884/ 2016

**942 CIVIL APPLICATION NO. 14874/2016 IN  
CA NO.2948/2007 in FA/846/2005**

RAMU SHAMU CHOUDHARY DIED THR LRS SHANTABAI  
RAMU CHAUDHARY  
VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr.Kale Ajeet B.  
Mr.S.G. Sangale, Advocate for R/2

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**945 CIVIL APPLICATION NO. 14884 OF 2016  
IN CA/2945/2007 IN FA/854/2005**

ASHOK NAMDEO CHOUDHARY  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr.Kale Ajeet B.  
Mr.S.G. Sangale, Advocate for R/2

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

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PER COURT :-

1. The applicants / claimants have filed the present applications seeking modification in the order passed by this Court on 10th August, 2007, in both the matters, whereby the claimants were permitted to withdraw approximately 60 per cent of the amount deposited in this Court, as depicted in the table incorporated in the aforesaid order, with condition to furnish Bank guarantee for half of that and remaining half

AGP/-

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without any guarantee. In the present applications, the applicants / claimants are seeking permission to withdraw 50 per cent of the aforesaid amount, earlier permitted to be withdrawn, on furnishing solvent surety in the like amount and balance 50 per cent on simple undertaking that in the event of success of appeals, they shall re-deposit the said amount.

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:

AGP/-

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BENCH AT AURANGABAD

**(3) CA NO.14874/2016 & 14884/ 2016**

ORDER

1. The order dated 10th of August, 2007 in both the matters is modified as under:

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

b) That the applicants in respective matters are permitted to withdraw 50 per cent of the amount earlier permitted to be withdrawn on submitting solvent surety to the satisfaction of the Registrar (Judicial) of this court or the Reference Court, as the case may be.

c) The applicants are further permitted to withdraw remaining 50 per cent of the amount earlier permitted to be withdrawn by submitting an undertaking to this Court that in the event of success of the appeals, 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 amount in these matters, if not already invested in Fixed Deposits of any nationalized Bank, to be invested in Fixed Deposit of Nationalized Bank till disposal of the appeals.

Civil Applications for modification of the order stands disposed of.

( P.R. BORA, J. )