

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.14883 of 2016

**944 CIVIL APPLICATION NO. 14883 OF 2016
IN CA/2929/2007/IN FA/861/2005**

RAJDHAR RAMU CHOUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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

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

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PER COURT :-

1. The applicant / claimant has filed the present application seeking modification in the order passed by this Court on 22nd of April, 2008, whereby the applicant / claimant was permitted to withdraw Rs.10,64,495/- on furnishing Bank guarantee in the like amount of any nationalized Bank. In the present application, the applicant / claimant is seeking permission to withdraw 50 per cent of the aforesaid 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.

2. Shri A.B.Kale, learned Counsel appearing for the claimant, has placed on record the order passed by this Court (Coram: T.V.Nalawade,J.) on 29th January, 2016 in

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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 applicant is permitted to withdraw 50 per cent of Rs.10,64,495/-, i.e. the aforesaid deposited amount, on submitting the solvent surety to the satisfaction of the Registrar (Judicial).

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c) The applicant is further permitted to withdraw remaining 50 per cent of the aforesaid amount by submitting an undertaking to this Court that in the event of success of the appeal, the applicant would re-deposit the amount so withdrawn by them in this Court within a period of six weeks from passing of such order.

Civil Application for modification of the order stands disposed of.

(P.R. BORA, J.)

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