

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 2235 OF 2017
IN FA/1526/2012

GIRJABAI APPARAO HUDAGE (DIED) LRS SUDHAKAR AND ORS
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION THROUGH
ITS EXECUTIVE ENGI

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Advocate for Applicants : Mar. Gajanan K. Sontakke
AGP for Respondents: Mr. B.V. Virdhe
Advocate for Respondents : Mr. S.G. Sangle

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CORAM : K. K. SONAWANE, J.
Dated: December 21, 2017
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PER COURT :-

1] Heard learned counsel for the applicant and Shri Sangle, learned counsel for the respondent Acquiring Body. Perused the application. The applicants have moved the present application seeking permission to withdraw the decretal amount deposited in this court by the respondent. The learned counsel for the applicant submits that in other connected appeals, this Court (Coram : P.R. Bora, J) granted permission to withdraw the amount. He prayed to pass similar nature of order in this case.

2] Shri Sangle, learned counsel for Acquiring Body has no objection to allow the applicants to withdraw the amount as permitted by this court in connected matters (Coram : P.R. Bora, J).

3] In view of the nature of subject matter and the no objection on the part of learned counsel for Acquiring Body, the applicants are permitted to withdraw 40% of the amount deposited in this court on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court to the effect that in case any adverse situation arises, the amount withdrawn would be refunded forthwith as per the directions of this court.

Rest of the 60% amount be allowed to be withdrawn by the applicants on furnishing bank guarantee of like amount of any Nationalized Bank in this court. The Bank guarantee should be renewed from time to time till disposal of the appeal. It is to be noted that there would not be any further modification in the order in respect of furnishing bank guarantee for withdrawal of the amount. In case any application is filed for modification of the present order, the present order shall stand vacated automatically without reference to the Court.

(K. K. SONAWANE, J.)

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grt/-