

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

967 CIVIL APPLICATION NO. 2067 OF 2017
IN FA/2793/2013

ZHAKIYABI MOHAMAD KASHIM THR PAWAR OF ATTORNEY
MOHMADKASIM ABDUL AZIZ SHAIKH

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, LATUR
ANDANR

...

Advocate for Applicant : Mr. V.D. Sapkal h/f. Mr.
L.C. Patil

AGP for Respondent 1 : Mr. S.B. Joshi

Advocate for Respondent 2 : Mr.S.S. Dande h/f. Mr.
S.B. Bhosale

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : February 24, 2017.

ORDER :

The application is filed for releasing the bank guarantee furnished by the present applicant to comply the order made by this Court on 7.3.2014 in Civil Application No. 1473/2014 in First Appeal No. 2793/2013. Both the sides are heard. Learned counsel Shri. Dande is holding for Advocate Shri. Bhosale for respondent No. 2.

2. The submissions and the documents produced show that the aforesaid order made by this Court was challenged in Civil Appeal No. 9375/2014 in SPECIAL

LEAVE PETITION (CIVIL) No. 8039/2014 and in the said matter, the Supreme Court made the following order :

"6. After going through the judgment(s) and order(s) passed by the Courts below, we are of the opinion that the prayer made by the appellant requires to be granted. Accordingly, we pass the following order :

"We direct that the 50% of the enhanced compensation granted to the appellant shall be released without security whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Collector."

3. In view of the aforesaid order made by the Apex Court, this Court holds that the bank guarantee needs to be released. So, the bank guarantee which is furnished in accordance with the order made by this Court on 7.3.2014 is hereby released and the documents are to be returned. The application is allowed and disposed of accordingly.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]