

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 3511 OF 2017
IN FA/2489/2014

RACHAYYA KARBAYYA SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Naiknavare Ramesh V.
& L C Patil (consent Not Obtained)
Mr. SP Sonpawale, AGP for Respondent No.1.

CORAM : P.R.BORA, J.

DATE : 28th June, 2017.

PER COURT :

1) Learned Counsel appearing for the applicant submitted that in companion matter arising out of the same acquisition, this Court (Coram: V.K.Jadhav,J.) in order passed on 3rd March, 2017 in CA No.574/2017 in FA 2486/2014, has permitted the applicants therein to withdraw 50% of the deposited amount on furnishing an undertaking and further 25% amount on furnishing solvent surety. The learned Counsel submitted that similar order may be passed in the present matter.

2) Learned AGP has not disputed correctness of the facts stated by learned Counsel for the applicant. A copy of the order passed on 3rd March, 2017 is also placed on record.

3) In view of the fact that in similar matters the Court has permitted to withdraw the amount, as has been submitted by the counsel for the applicant, I see no reason to take any contrary view. Hence, the following order is passed, -

ORDER

i) The applicant is permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of Registrar (Judicial) of this Court;

ii) The applicant is further permitted to withdraw 25% of the deposited amount on furnishing solvent surety to the satisfaction of Registrar (Judicial) of this Court;

iii) Remaining 25% amount be invested in Fixed Deposit Receipt (FDR), initially for a

period of two years and if so required till disposal of the appeal.

4) Civil Application for withdrawal of the amount stands disposed of.

(P.R.BORA,J.)

bdv/