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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**914 CIVIL APPLICATION NO. 4312 OF 2017
IN FA/2188/2014**

**SUKHDEO NAMDEO JAGTAP (DIED) THR LRS SANDHYABAI
AND ORS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

**Advocate for Applicants : Patil Mahesh S.
AGP for Respondents: Y.G. Gujarathi**

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

DATED : 28-09-2017.

PER COURT :-

Learned counsel for the applicant invited our attention to the order dated 1st April, 2016 passed by the Division Bench in Civil Application No. 818 of 2016 in FA. No. 2184 of 2014 and submits that the facts, in that matter are identical to the facts in this matter.

2. The learned A.G.P does not dispute this statement of the learned counsel for the applicant.

3. The acquiring body has already deposited 50% of the enhanced compensation in this Court. The applicant is permitted to withdraw 50% of the amount deposited by the acquiring body without any security, however, on furnishing an undertaking to the effect that if the applicant fails to succeed in first appeal filed by him, the

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applicant would return the said amount with interest at such rate as this Court may direct. Remaining 50% amount out of the total amount deposited by the acquiring body in this Court can be withdraw by the applicant on furnishing solvent surety to the satisfaction of the Registrar(Judicial).

4. The learned Registrar (Judicial) shall decide solvent surety after hearing both the parties. If such solvent surety furnished within the time prescribed by the learned Registrar (Judicial), such security shall be kept alive without any encumbrance till disposal of the appeal and four weeks thereafter. If the solvent surety is not furnished by the applicant, the balance amount shall be invested by the learned Registrar (Judicial) in the Fixed Deposit of any Nationalized Bank for a period of two years and thereafter for a like period after obtaining further order from this Court .

5. Civil Application is disposed of in aforesaid terms.

6. No order as to costs.

(SUNIL K. KOTWAL)

JUDGE

(R.D. DHANUKA)

JUDGE

YSK/