

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

WRIT PETITION NO. 4802 OF 2016

Shrikant Tamanappa Utge and Another ..PETITIONERS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. V.D. Gunale, Advocate for petitioners.

Mr. S.K. Tambe, A.G.P. for Respondent No.1.

Mr. Shyam Arora, Advocate for Respondent No.2.

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**CORAM : S.B. SHUKRE, J.
DATED : 20th MARCH, 2017**

ORDER :

1. After hearing this matter for sometime, learned Counsel for petitioner on instructions seeks leave of this Court to withdraw the petition, with liberty to approach the Executing Court to seek removal of condition i.e. furnishing of bank guaranty.

2. The fact is that the first Appellate Court has not stayed the execution of decree, and if the execution of decree is not stayed, there is no question of Executing Court imposing any condition for furnishing of bank guaranty while giving liberty to withdraw the amount of compensation.

3. In view of above, leave with liberty as prayed for is granted.

Writ petition is disposed of as withdrawn. No costs.

(S.B. SHUKRE, J.)

SSD