

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

14 CIVIL APPLICATION NO. 8493 OF 2017
IN FA/642/2014 WITH CA/6695/2012 IN FA/642/2014 WITH
CA/561/2014 IN FA/642/2014 WITH CA/12852/2015 IN FA/642/2014

HARUBAI MOTIRAM KSHIRSAGAR AND ORS
VERSUS
SIDARAM BABURAO KSHIRSAGAR AND ORS

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Advocate for Applicants : Mr. M.L.Dharashive.
Advocate for Respondents-1,2 : Mr. N.R.Nilkanth h/f. Mr. S.S.Manale.
Advocate for Respondent-3 : Mr. Khaire h/f. Mr.S.S.Dande.
AGP for respondents-4,5 : Mr. R.B.Bagul.

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CORAM : K.K. SONAWANE, J.

DATED : 09TH AUGUST, 2017.

Order :-

Heard learned counsel for the applicants and respondents. Perused the application. There is no specific order allowing the applicants to withdraw the amount.

2. It has been submitted that, original claimants withdrawn the amount from the Court and they had distributed their shares in favour of applicants. In such circumstances, applicants can not be allowed to withdraw one third (1/3) amount by furnishing bank guarantee at this stage as their application for intervention in the main appeal is still pending for consideration and the same will be decided finally at the time of hearing of the appeal on merit.

3. In the light of above, present application stands disposed of.

4. List the appeal in due course.

**[K. K. SONAWANE]
JUDGE**

MTK.