

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.7927 OF 2017

**917 CIVIL APPLICATION NO. 7927 OF 2017
IN FA/1912/2016**

SUBHASH NARAYANRAO HARKAL
VERSUS
THE EX. ENGINEER, M.I.W DIVISION, JALNA AND ORS

...
Advocate for Applicant : Mr.Kakade Deepak M.
Mr. R. C. Patil, Adv., for respondent no.1.
AGP for respondent State: Mr. C.V.Dharurkar

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CORAM : P.R. BORA, J.
Dated: June 20, 2017
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PER COURT :-

1. Learned Counsel for the applicant submits that in companion matters i.e. in C.A.No.12945/2015 in First appeal Stamp No.25543/2014, this Court (Coram: S.V.Gangapurwala, J.) on 9th October, 2015, has passed an order thereby permitting original claimants to withdraw 50 per cent of the amount deposited by the acquiring body on submitting undertaking and further withdrawal on 25th per cent of the amount deposited on submitting solvent security / surety of like amount and has directed deposit of the remaining 25 per cent amount in Fixed Deposit Receipt in any Nationalized Bank. Copy of the said order is placed on record and is marked as "X" for identification.

2. Shri R.C.Patil, learned Counsel appearing for the acquiring body does not dispute the correctness of the fact stated

agp/-

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(2)

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by the applicant and prayed for appropriate orders in view of the earlier order passed on 9th October, 2015. In view of the submission so made, following order is passed:

ORDER

1. Civil Application is allowed. The applicant is permitted to withdraw 50 per cent of the deposited amount on submitting undertaking to this Court that in the event applicant is directed to re-deposit the amount, he shall re-deposit the same within a period of four months after passing of such order.
2. The applicant is further allowed to withdraw 25 per cent of the deposited amount on submitting solvent surety / security in the like amount to the satisfaction of the Registrar (Judicial) of this Court.
3. Balance 25 per cent of the amount be invested in any nationalized Bank initially for a period of two years and, if required, for further period till disposal of the appeal.
4. Civil Application stands disposed of.

(P.R. BORA, J.)

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agp/-