

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

**CIVIL APPLICATION NO. 10294 OF 2017
IN
FIRST APPEAL NO. 2292 OF 2016**

Bhagwat Bhanudas Kapse

...APPLICANT

versus

The Executive Engineer Minor
Irrigation Project Osmanabad and others

...RESPONDENTS

.....
Mr. M.L. Dharashive, Advocate for applicant
Mr. S.R. Yadav, AGP for respondents No. 1 and 2
Mr. V.S. Badakh, Advocate for respondent No. 3
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CORAM : K.K. SONAWANE, J.

DATED : 14th SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties.
2. Perused the application. In view of the nature of subject-matter, the applicant is permitted to withdraw 50% of the amount deposited by respondent-Acquiring Body in this appeal on furnishing undertaking to the effect that in case adverse situation, if any, arises after adjudication of the appeal on merit, the applicant will refund the amount forthwith as per order of this Court. The rest of 25% of the amount is allowed to be withdrawn on furnishing solvent surety of like amount and remaining 25% balance amount be invested in FDR account in any Nationalized Bank for a period of two years or till adjudication of the appeal, whichever is earlier.
3. In the light of above, the civil application stands disposed of accordingly.

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

MTK