

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

**CIVIL APPLICATION NO. 599 OF 2017**

**IN**

**FIRST APPEAL NO. 2463 OF 2010**

Jaywantrao S/o. Narayanrao Indurkar  
and another

.. **Applicants**

**Versus**

The State of Maharashtra and another

.. **Respondents**

Shri Satish S. Manale, Advocate for Applicants.

Smt. M. A. Deshpande, A. G. P. for Respondent No. 1.

Shri S. S. Dande, Advocate for Respondent No. 2.

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

**DATE : 4<sup>th</sup> September, 2017**

**PER COURT :**

1. This Application pertains to the order dated 9<sup>th</sup> August, 2017, passed by this Court. The learned Registrar (Judicial), after hearing both the parties, has submitted a report that applicants have furnished solvency certificates of Rs.75,00,000/- issued by the Collector, Latur and of Rs. 38,00,000/- issued by

Sub-Divisional Officer, Latur totaling to Rs. 1,13,00,000/- which is quite sufficient to secure the amount allowed to be withdrawn in so far as 50% of the amount is concerned.

2. In view of the report submitted by the learned Registrar (Judicial), we allow the applicants to withdraw 50% amount deposited by the respondent No. 2 – Corporation, upon the applicants, furnishing security. It is made clear that during the pendency of the First Appeal and for a period of eight weeks thereafter none of the applicants shall create any encumbrance in respect of the said security. It is also made clear that this order shall not be treated as a precedent in any of the matters. Order dated 18<sup>th</sup> March, 2011 passed by this Court in Civil Application No. 2614 of 2011 is partly modified. Civil Application is disposed of in aforesaid terms. The office is directed to return the bank guarantee furnished by the applicants to the applicants within two weeks from the date of this order. No order as to costs.

**[ SUNIL K. KOTWAL, J. ]**

**[R. D. DHANUKA, J. ]**

sam/sep.17