

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

CIVIL APPLICATION NO.857 OF 2016 IN
FIRST APPEAL NO.1030 OF 2009

Mohamad s/o Dadansab Kabade,
Died L.Rs.
Chabanbee w/o Mohmedsab Kabade
and others ... APPLICANTS

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri Amit. S. Deshpande, Advocate for applicants
Shri S.S. Dande, Advocate for respondent No.2
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 22nd September, 2017.

ORAL ORDER:

1. Learned counsel for the parties have invited our attention to the order dated 18/9/2017 passed by this Court in Civil Application No.9245/2014 in First Appeal No.1232/2010 and would submit that, the reliefs claimed in this Civil Application are identical to the reliefs granted by this Court in the said Civil Application No.9245/2014. The statement is accepted.

2. For the reasons recorded by this Court in the said

order dated 18/9/2017, the applicants are permitted to withdraw balance 50% of the amount lying in this Court on furnishing security/ Bank guarantee of a Nationalised Bank to the satisfaction of the Registrar (Judicial) and balance 50% of the amount lying deposited in this Court without security, however, upon the applicants giving an undertaking to this Court that if the applicants fail in the First Appeal, the amount will be returned to the original appellant with interest at such rate as this Court may order. The security/ Bank guarantee shall be kept in force till the disposal of the First Appeal No.1030/2009 and for a period of four weeks thereafter.

3. Learned Advocate for the applicants is directed to remove office objections within two weeks from today.

4. Civil Application is disposed of in aforesaid terms. No order as to costs.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp