

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
53 CIVIL APPLICATION NO. 10800 OF 2017
IN FAST/20018/2015**

**DIGAMBAR DATTA SURNAR AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR PROJECT DIVISION THR
MEDIUM PROJECT DIVISION, NANDE**

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Advocate for Applicants : Mr. Deshmukh Y. P.
AGP for Respondent No.2: Mr. S. S. Dande
Advocate for Respondent No.1 : Mr. R. C. Patil

CORAM : K. L. WADANE, J.

DATE : 21st August, 2017

ORDER:

1. Heard.

2. Learned counsel appearing for both the sides invited my attention to the earlier order passed by this Court in Civil Application No.4444/2017, by which, in connected matter arising out of the same acquisition proceeding, the claimants were allowed to withdraw 50% on furnishing solvent security and 50% by furnishing bank guarantee of. Hence following order:

i. The applicants are allowed to withdraw 50% of the amount deposited in this court on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

ii. The balance 50% amount is allowed to be

withdrawn by the applicants on furnishing bank guarantee of a nationalized bank, to be kept alive throughout the life of the first appeal.

iii. Additionally, the claimants-applicants shall furnish an undertaking to this court to the effect that in the event decision in the appeal being adverse to the interest of the applicants-claimants, the amount being withdrawn by them would be refunded and deposited in this court within a period of six months from the date of decision in the appeal.

3. Civil application stands disposed of accordingly.

(K. L. WADANE, J.)

JPC