

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

916 CIVIL APPLICATION NO. 11783 OF 2017
IN FA/3485/2016

SUBHASH S/O TRIMBAK TEKALE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION OSMANABAD AND
ANR

...
Advocate for Applicant : Mr. Ramesh V. Naiknavare
Advocate for Respondent No. 1 : Mr. P.R. Tandale
AGP for Respondent No. 2 : Mr. S.R. Yadav
..

CORAM : K.K. SONAWANE, J.

DATED : 14th SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties. Present application is moved by the applicant-original claimant for withdrawal of the amount deposited by respondent-Acquiring Body.
2. Learned counsel for the respondent - Acquiring Body raised objection and submits that there is no plausible reasons/ground mentioned in the application for withdrawal of the amount, therefore, he prayed to reject the application. Learned AGP prayed for suitable orders.
3. Perused the application. I have also considered the rival submissions of both sides. In view of the nature of subject-matter, the applicant is permitted to withdraw 50% of 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, he will deposit the amount forthwith as per orders of this Court. The rest of 25% of amount is

allowed to be withdrawn on furnishing solvent surety of like amount and remaining 25% balance amount be invested in FDRs account in any Nationalized Bank for a period of two years or till adjudication of the appeals, whichever is earlier.

4. In the light of above, the civil application stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK