

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

905 CIVIL APPLICATION NO. 12985 OF 2017
IN FA/2305/2010

MOHAMMAD HASAN S/O TURABSAHEB FAKIR
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
Advocate for Applicant : Mr.Sontakke Gajanan K.
AGP for Respondent No.1 : Mr.Y.G.Gujarathi
...

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

DATE: 11th October, 2017

PER COURT :-

- 1) By this Civil Application, the applicant seeks withdrawal of the amount with the interest deposited by the acquiring body in this Court.
- 2) We have heard the learned counsel appearing for the parties.
- 3) So far no amount has been allowed to be withdrawn in favour of the applicant by this Court, which was deposited by the acquiring body.
- 4) The applicant has made out a case for withdrawal of 50% of the amount with interest deposited by the acquiring body, without security/surety, however, on furnishing undertaking in this Court to the effect that if the applicant fails in the First Appeal filed by the acquiring body, the applicant would return the amount with such rate of interest as this Court may direct. The balance 50% of the amount is allowed to be withdrawn upon solvent security/surety or bank guarantee to the

satisfaction of the learned Registrar (Judicial).

5) The learned Registrar (Judicial) shall decide the issue of solvent security/surety or bank guarantee after hearing both the parties.

6) If the solvent security/surety or bank guarantee is furnished within the time prescribed by the learned Registrar (Judicial), such solvent security or bank guarantee shall be kept alive till the disposal of the First Appeal and for a period of four weeks thereafter.

7) If the solvent security is not furnished by the applicant as directed by the learned Registrar (Judicial), the balance amount lying deposited in this Court shall be invested in the Fixed Deposit in any nationalized Bank initially for a period of two years and thereafter for a like period after obtaining further orders of this Court.

8) The parties as well as the learned Registrar (Judicial) to act on the authenticated copy of this order.

9) Civil Application is disposed of in the aforesaid terms. No order as to costs.

(SUNIL K. KOTWAL, J)

(R.D. DHANUKA, J)

spt