

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

**92 CIVIL APPLICATION NO. 15189 OF 2017
IN FAST/22517/2015**

**CHHAYA YASHWANT GHARE AND ORS
VERSUS
THE EX. ENGINEER, M.I.W (LMI) DIVISION, JALNA AND ORS**

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Advocate for Applicants : Mr. Kakade Deepak M.

Advocate for Respondent No. 1 : Mr. R.C. Patil.

Govt. Pleader for Respondent No. 2 : Mr. A.B. Girase.

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CORAM : K. L. WADANE, J.

DATE : 18th December, 2017

ORDER:

1. Learned counsel for the applicants submits that in the appeals arise out of the same acquisition proceedings, this Court by order dated 09.10.2015 permitted the applicants therein to withdraw 75% amount on certain conditions.

2. Learned counsel for the respondent acquiring body has also not disputed the position.

3. In view of the above and for the reasons stated in the civil application, the application is allowed.

4. The applicants are permitted to withdraw 50% amount on furnishing undertaking that in case adverse orders are passed against them they shall redeposit the

same within a period of 12 weeks after passing of such order.

5. The applicants are further allowed to withdraw 25% amount on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

6. Balance 25% amount be invested in fixed deposit in any Nationalized Bank, initially for a period of three years and renewed thereafter from time to time till disposal of first appeal.

7. Civil Application for withdrawal of amount is disposed of.

(K. L. WADANE, J.)

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