

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

**968 CIVIL APPLICATION NO.4778 OF 2018
IN
FIRST APPEAL NO. 4222 OF 2016**

MANIK SANTRAM JADHAV (DIED)
THR LRS ANANT AND ORS .. Applicants

VERSUS

G.M.I.D.C. LTD., THR EX. ENGINEER,
OSMANABAD IRRIGATION DIVISION,
OSMANABAD AND ORS .. Respondents

...
Shri P.P. More, Advocate, h/f. Smt S.P. More,
Advocate for the applicants;
Shri P.R. Tandale, Advocate for Respondent No.1;
Shri A.M. Phule - AGP for Respondents No.2 & 3.

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CORAM : P.R. BORA, J.
Dated: October 17, 2018

PER COURT :

1. Heard the learned Counsel appearing for the applicants. The learned Counsel pointed out that, in the companion matter, this Court has permitted the applicant therein to withdraw 50% amount on submitting an undertaking, 25% amount on solvent surety and balance 25% amount is directed to be invested in Fixed Deposit Receipt. The learned Counsel further submitted that, applicant nos.3 to 5 in the

present application have waived their right in favour of applicant nos.1 and 2. Learned Counsel has tendered across the bar the order passed on 09.04.2018 in Civil Application No.4771 of 2018 and has prayed for passing the order on similar lines. The learned Counsel Shri Tandale fairly submitted that, the Acquiring Body does not have any objection for passing such order.

2. In view of the above, the following order is passed.

ORDER

(i) Applicant Nos.1 and 2 are permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court.

(ii) Applicant Nos.1 and 2 are further permitted to withdraw 25% amount on furnishing solvent surety/ security in the like amount.

(iii) Balance 25% amount be invested in Fixed Deposit Receipt in any Nationalized Bank till disposal of the appeal.

(iv) Civil Application stands disposed of.

(PR. BORA, J.)