

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

CIVIL APPLICATION NO. 3522 OF 2018 IN FA/1298/2016

NAGORAO VITTHALRAO DESHPANDE
VERSUS

THE G.M.I.D.C. THR THE EXECUTIVE ENGINEER, NIMNA
DUDHANA PROJECT, DIV. AT SELU AND OTHERS.

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Advocate for Applicants : Mr. Maske Patil Uttreshwar M.
Advocate for Respondent No. 1: Mr. Avinash Hande h/f Mr. A.M.
Gaikwad

AGP for Respondent No.2 : Mr. B.V. Virdhe

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**CORAM : V. K. JADHAV, J.
DATED : 12th October, 2018**

PER COURT:-

1. Learned counsel for the applicant submits that by order dated 24.02.2017, this Court has permitted the applicant to withdraw the amount to the extent of 75% and out of that permitted the applicant to withdraw 25% of amount on furnishing bank guarantee of any Nationalized Bank or Scheduled Bank. Learned counsel submits that the applicant is 87 years of age and it is not possible for him to furnish the bank guarantee of 25% as per clause ii) of the operative part of the order dated 24.02.2017. Learned counsel submits that, from the same award wherein withdrawal applications came to be filed, this Court has permitted the applicants therein to withdraw 75% of the amount on furnishing an undertaking to the satisfaction of the Registrar (Judicial).

2. Learned counsel appearing for respondent-acquiring body has strongly resisted the application on the ground that the amount involved in this matter is more than Rs.75,00,000/- and the respondent-acquiring body has deposited entire amount before this Court. Thus, considering the amount involved in this matter and after hearing the applicant and considering the entire aspect, this Court has permitted the applicant to withdraw the amount on certain conditions.

3. In view of the above submissions and considering the age of the applicant, who is 87 years of age and also considering the orders passed in respect of some other applicants from the same award, the condition no.(ii) of the operative part of the order dated 24.02.2017 is modified to the extent and effect that the petitioner is permitted to withdraw 25% of the deposited amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial).

4. Application accordingly disposed off.

(V. K. JADHAV, J.)

Sameer//