

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8049 OF 2016 IN
FIRST APPEAL NO. 559 OF 2010

Udhav s/o Baburao Dahiphale

Applicant

Versus

G.M.I.D.C. & another

Respondents

Mr. S.B. Gastagar, advocate holding for Mr. M.S. Patil, advocate for applicant.

Mr. A.M. Phule, AGP for respondent no. 2.

Mr. S.G. Sangle, advocate for respondent no. 1.

CORAM : M.S. SONAK, J.

DATE : 22nd JANUARY, 2018

PER COURT:

1. Applicant points out that this appeal is one amongst the twelve appeals which have already been admitted and, in which, the applicants were permitted to withdraw 50% of the compensation without offering any surety and 50% by furnishing solvent surety to the satisfaction of the executing Court. The applicant however, points out that no such order is regards balance 50% was made in his case and therefore, on the ground of parity, he too seeks to withdraw balance 50% amount subject to furnishing solvent surety to the satisfaction of the executing Court.

2. From perusal of order dated 03.05.2010 made by the Division Bench in Civil Application No. 3046/2010 in First Appeal no. 570/2010 and connected matters, it does appear that what the

applicant states is correct. Therefore, by applying the rule of parity, applicant is now permitted to withdraw balance 50% amount together with proportionate interest thereon by furnishing solvent surety to the satisfaction of the executing Court or bank guarantee of any Nationalised Bank as per the choice of applicant. civil application stands disposed of.

(M.S. SONAK, J.)

dyb