

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO.9812 OF 2018
IN FA/1126/2018

WITH
CA/14383/2017 IN FA/1126/2018

RUKHAMINIBAI GOPALRAO THATTE (DIED) THR LRS
VIJAYA AND ORS
VERSUS
MARATHAWADA KRISHI VIDYAPEETH PARBHANI THR ITS
REGISTRAR AND ANR

...

Advocate for Applicants : Mr. Soman D.V. And Amar
D Soman

Mr. V. D. Patnurkar, Adv. For R/1 ;
Mrs. SS Raut, AGP for Respondent No.2;

CORAM : P.R.BORA, J.

DATE : 29th August, 2018.

PER COURT :

1) Heard Shri Soman, learned counsel appearing for applicants, i.e. Original claimants and Shri Patnoorkar, learned counsel appearing for the respondent No.1 – acquiring body.

2) The applicants have sought withdrawal of the entire amount as deposited by the acquiring body in this Court.

3) The learned counsel appearing for the acquiring body has tendered across the Bar affidavit in reply on behalf of the acquiring body. The same is taken on record. The learned

counsel for the acquiring body has opposed for permitting any withdrawal of the amount stating that the Award passed in the matter is arbitrary and substantial grounds are raised in exception to the said Award. In the alternative, the learned counsel submitted that, if this Court is inclined to permit the applicant to withdraw some amount, even for that the applicants be asked to furnish a solvent surety or bank guarantee and only on such condition, the amount may be permitted to be withdrawn by the applicants.

4) After having considered the submissions, as above, I deem it appropriate to pass the following order, -

ORDER

- i) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court;
- ii) Balance 50% amount be invested in Fixed Deposit Receipt in any Nationalized Bank, initially for one year and if so required for further period, till disposal of the appeal;
- iii) Civil Application for withdrawal of the amount stands disposed of.

iv) Hearing of the appeal is expedited.

(P . R . BORA)
JUDGE

bdv/