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

CIVIL APPLICATION NO.10000 OF 2018 IN
FIRST APPEAL ST.NO.38273 OF 2017

Chunnilal Popatlal Patel, Died L.Rs.
Deepak Ravilal Patel & anr. ... APPLICANTS

VERSUS

Marathwada Krishi Vidyapeeth & anr. ... RESPONDENTS

.....
Shri A.D. Soman, Advocate for applicants
Shri M.N. Navandar, Advocate for respondent No.1.
Mrs. A.V. Gondhalekar, A.G.P. for respondent No.2
.....

CORAM: PRASANNA B. VARALE AND
 MANISH PITALE, JJ.

DATED : 21st SEPTEMBER, 2018.

ORAL ORDER :

1. Heard Mr. Soman, the learned counsel appearing for applicant. Mr. Navandar, learned counsel for respondent No.1 and learned A.G.P. appearing for respondent No.2. By the present application, the applicant prays for withdrawal of the amount deposited by the appellant (respondent No.1) in this Court. Perusal of the record shows that, on 8.12.2017, the Division Bench of this Court granted an interim order in favour of the appellant subject to the appellant depositing the entire amount awarded by the impugned judgment and order dated 25.4.2016 within stipulated period of eight weeks from the date of the order.

2. It is not in dispute that the appellants deposited the amount in this Court. Learned counsel Mr. Soman submits that, the applicants are in need of the financial assistance as the applicant No.2 is prosecuting his studies and the applicant No.1 is facing financial difficulties.

3. Learned counsel Mr. Navandar for respondent No.1 opposes the application by inviting our attention to the reply filed to the application.

4. It is not in dispute that the possession of the land was taken some time in the year 1956 from the original land owners and they are facing the proceedings till date for fair and adequate compensation of their land. Considering these facts, we permit the applicants to withdraw 50% of the amount deposited by the appellant in this Court subject to filing an undertaking by the applicants in this Court within four weeks from today that if the appellant succeeds in the Appeal, the applicants would repay the amount withdrawn by them to the appellant. With these directions, the Civil Application is partly allowed and disposed of.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-