

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2325 OF 2018  
IN  
FIRST APPEAL (STAMP) NO. 20155 OF 2017

Madhukar Gaba Rathod and others .. Applicants

versus

Badirnarayan Raosaheb Kakde and ors. .. Respondents

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Mr. C.V. Bodkhe, Advocate h/f Mr. R.V. Gore, Advocate for applicants

Mr. S. S. Patil, Advocate for respondent for respondent no. 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 23<sup>rd</sup> February, 2018

ORDER:

1. Heard learned counsel for parties.
2. Having regard to the facts and circumstances involved, although learned for respondent-original first appellant purports to resist, it is deemed expedient to allow applicants to withdraw fifty percent of the amount deposited in this court in the same proportion of apportionment as referred to in the award on furnishing an undertaking that in case the decision in the appeal is adverse to their interest, the applicants would

deposit the amount being withdrawn under this order within a period of three months from the date of decision in the appeal, in this court.

3. Undertaking to be furnished within a period of four weeks.

4. Civil application is accordingly disposed of.

SUNIL P. DESHMUKH  
JUDGE

pnd/-