

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

904 CIVIL APPLICATION NO. 12724 OF 2018
IN FA/4744/2017
WITH CA/12725/2018 IN FA/4751/2017

BABRUWAN NARHARI KOLI (DIED) THR LRS TARAMATI AND ORS
VERSUS
THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. Deshmukh Ramraje A.
AGP for Respondents 2 and 3 : Mr. R.B.Bagul
Advocate for Respondent no.3 : Mr. S. G. Sangle

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CORAM : SUNIL K. KOTWAL, J.

DATE : OCTOBER 11, 2018

O R D E R :

Heard learned counsel for the applicants,
learned counsel for acquiring body and learned AGP for
respondent nos. 2 and 3.

2. Learned counsel for the applicants has pointed
out the order passed by this Court on 25.6.2018.
Considering this order, it appears that permission was
granted to withdraw 50 per cent amount on filing
undertaking in the First Appeal and 25 per cent amount
was permitted to be withdrawn on furnishing solvent

surety.

3. However, at that time both the parties did not point out the subsequent order, dated 30.7.2018. Considering the material points on merits, this Court permitted to withdraw only 40 per cent amount on personal undertaking and 20 per cent amount on furnishing solvent surety to the satisfaction of the Registrar. 3.

4. As the order dated 30.7.2018 is based on certain observations on merits, I prefer to follow that order. Therefore, permission is granted to withdraw 40 per cent amount on personal undertaking and 20 per cent amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial). Remaining amount be invested in any Nationalized Bank.

5. Civil Applications are disposed of.

[SUNIL K. KOTWAL, J.]

dbm