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

**CIVIL APPLICATION NO.12356 OF 2018
IN
FIRST APPEAL NO.1186 OF 2018**

Gangaram Kishan Pawar
(Died, Through L.Rs.) & ors. ..APPLICANTS

VERSUS

Marathwada Krishi Vidyapeeth,
Parbhani, Through its Registrar & anr. ..RESPONDENTS

Mr D.V. Soman, Advocate for applicants;
Mr 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.**

DATE : 5th October, 2018

ORAL ORDER:

Heard Mr Soman, learned Counsel appearing on behalf of the applicants; Mr Navandar, learned Counsel on behalf of respondent no.1 and learned A.G.P. on behalf of respondent no.2.

2. Mr Soman invited our attention to the order passed by this Court, dated 21st September, 2018 in Civil Application No.10000 of 2018 in First Appeal (St.) No.38273 of 2017. It is submitted before this Court that the appellant has deposited entire amount of the award in this Court i.e. Rs.1,13,58,050/-. Mr Soman submitted that the applicants are in dire need

(2)

of financial assistance and as such prays for withdrawal of the amount.

3. The application is opposed by Mr Navandar, learned Counsel for respondent no.1- appellant. However, he submits that the appellant has deposited entire amount of the award to the tune of Rs.1,13,58,050/- in this Court.

4. In view of the submissions of the Counsel and for the reasons stated in the application, the applicants are permitted to withdraw 50% of the amount deposited in this Court by the appellant, subject to furnishing an undertaking in this Court within four weeks from today to the effect that if the appellant succeeds in the appeal, the applicants would repay the amount to the appellant.

5. As the applicants are permitted to withdraw 50% of the amount, the remaining 50% amount be invested in fixed deposit in any nationalized bank initially for a period of three years, to be renewed thereafter from time to time.

Civil Application stands disposed of accordingly.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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