

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

**943 CIVIL APPLICATION NO. 12986 OF 2017
IN FA/1121/2016**

**DINKAR VINAYAK DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Shri R.K.Ashtekar
AGP for Respondent No.1 : Smt.S.S.Raut
Advocate for Respondent Nos.3 & 4 : Shri A.R.Tapse h/f.
Shri P.D.Suryawanshi

...
CORAM : P.R.BORA, J.

DATE: 21st August, 2018

PER COURT:-

1 Heard Shri R.K.Ashtekar, learned Counsel appearing for the applicant, Shri A.R.Tapse, learned Counsel h/f. Shri P.D.Suryawanshi, learned Counsel appearing for respondent Nos.3 and 4 and Smt.S.S.Raut, learned AGP appearing for the State.

2 Shri Ashtekar, learned Counsel tendered across the bar a copy of the order dated 23.03.2017 passed by this Court (Coram: V.K.Jadhav, J.) in Civil Application No.690 of 2017 in First Appeal No.1119 of 2016. The learned Counsel submitted that the aforesaid matter was arising out of the same acquisition proceedings. The learned Counsel has prayed for passing order in the present application on similar lines.

3 Learned AGP for the appellant - State requested for passing appropriate order.

4 Learned Counsel appearing for respondent Nos.3 and 4 submitted that these respondents are also entitled to be permitted to withdraw the amount of their share i.e. 1/3 each. He therefore, prayed for such permission in favour of the said respondents.

5 In view of submissions so made, the following order is passed:-

ORDER

I) The applicant and respondent Nos.3 and 4 are permitted to withdraw in equal proportion 25% of the deposited amount on furnishing undertaking, 25% of the deposited amount on furnishing solvent surety and 25% of the deposited amount on furnishing bank guarantee of any nationalized /scheduled bank, to the satisfaction of the Registrar (Judicial) of this Court.

II) The balance amount be invested in the Fixed Deposit Receipt in any nationalized bank, initially for the period of two years and if so required, for further period till disposal of the appeal.

III) Civil application stands disposed of.

(P.R.BORA)
JUDGE