

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

992 CIVIL APPLICATION NO. 13597 OF 2018
IN FA/1968/2009 WITH FA/4298/2008 WITH FA/1214/2011

SHRIPAD HARIBA PRAYAG
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
AND ORS

...

Advocate for Applicant : Mr. Bhavthankar Vivek
Vasantrao

Mr. S. G. Sangle For R/1;
Mr. RB Bagul, AGP for Respondents:2

CORAM : P.R. BORA, J.
DATED : 2nd November, 2018.

PER COURT:-

1. Heard Shri Bhavthankar, learned counsel for applicant and Shri Sangle, learned counsel for acquiring body.

2. Shri Bhavthankar, learned counsel, submits that the applicant has attained the age of 90 years and his appeal is pending for consideration. The learned counsel further submits that though by earlier order passed by this court on 16.2.2010, the applicant was permitted to withdraw 50% of the deposited amount, it was subject to furnishing bank guarantee. The learned counsel further submitted that accordingly, the bank guarantee has been furnished and the 50% amount has been withdrawn by the applicant. The

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bank guarantee is alive.

3. Learned counsel for the acquiring body has opposed for permitting further withdrawal. After having considered the fact that earlier the withdrawal is subject to furnishing the bank guarantee, it appears to me that interest of the acquiring body is sufficiently protected. In the circumstances, I see no difficulty in allowing the applicant to withdraw balance 50% amount on submitting an undertaking to the satisfaction of Registrar of this Court. Hence, the following order,

ORDER

. The applicant is permitted to withdraw 50% amount along with interest accrued thereon on submitting an undertaking to the satisfaction of Registrar of this Court.

. CA for withdrawal of the amount is disposed of.

(P.R. BORA)
JUDGE

bdv