

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

**931 CIVIL APPLICATION NO.3132 OF 2019
IN FA/2672/2013**

GANGARAM KOETYA
VERSUS

.. Applicant

GMIDC THROUGH EXECUTIVE ENGINEER
MINOR IRRIGATION DIVISION NANDED
AND ORS

.. Respondents

...

Advocate for Applicant : Shri Y.P. Deshmukh
Advocate for Respondent No.1 : Smt Kalpalata Patil Bharaswadkar
AGP for Respondents – State : Shri A.M. Phule

...

CORAM : P.R. BORA, J.

Dated: March 05, 2019

PER COURT :-

1. Heard Shri Deshmukh, learned Counsel appearing for the applicant. The learned Counsel submitted that, the Acquiring Body had deposited 50% of the Award amount before the Executing Court and the same has been withdrawn by the present applicant. The learned Counsel further submitted that, the remaining 50% amount has been deposited by the Acquiring Body in this Court in the present appeal. The learned Counsel further submitted that, in connected appeals, this Court has permitted the applicants therein to withdraw 75% of the deposited amount; 50% on simple undertaking and 25% on submitting solvent surety / security in the like amount. The learned Counsel has sought the same order in the present matter also.

2. Smt Bharaswadkar, learned Counsel appearing for respondent no.1 has not disputed the correctness of the facts as are stated by Shri Deshmukh.

3. In the circumstances, it appears to me that, there may not be any difficulty in allowing the applicant to withdraw 50% of the deposited amount in this Court on furnishing solvent surety/ security in the like amount. In the result, the following order is passed.

ORDER

(i) The applicant is permitted to withdraw 50% of the deposited amount in this Court on furnishing solvent surety / security in the like amount to the satisfaction of the Registrar of this Court.

(ii) Balance amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.

(iii) Civil Application stands disposed of.

(PR. BORA, J.)