

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

915 CIVIL APPLICATION NO.15245 OF 2017
IN WP/9928/2016

THE MAHARASHTRA STATE FARMING CORPORATION LTD THROUGH
ITS MANAGING DIRECTOR AND ANOTHER
VERSUS
M/S SANJAY V DESHMUKH THROUGH ITS MANAGING PARTNER S V
DESHMUKH

...

Advocate for Applicants : Mr. Dhorde Vikram R
Adv S C Arora For Petitioner In Wp.

CORAM : P.R. BORA, J.
DATED : 5th July, 2019.

PER COURT:-

1. Heard learned counsel for respective parties.

2. This is an application, seeking withdrawal of amount of Rs.45,00,000/- deposited by Respondent- partnership firm in this court in compliance with the order passed by this court on 27th September, 2016.

3. The application is opposed by the Respondent-partnership firm on the ground that it has to recover from the present applicants the amount in crores. It is contended by Shri Arora, learned counsel that after having entered into the

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agreement with the petitioner firm, as about cultivation of the land admeasuring 835 acres, it was revealed that no facility at the relevant time was available so as to cultivate the said land. The learned counsel further submitted that huge electricity bills had remained unpaid and the firm was required to pay the entire said dues. It is further contended that the firm has not been able to cultivate the said land because of the disturbances and encroachments on the subject land. The learned counsel, in the circumstances, prayed for rejecting the application.

4. After having considered the submissions and after having gone through the record of the case, I deem it appropriate to pass following order, -

ORDER

i. The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of Registrar (Judicial) of this Court and the balance 50% amount on furnishing a solvent surety in the like

(3)

amount.

ii. The civil application stands allowed and disposed of.

iii. The request made in prayer clause (B) of the application can be considered along with the writ petition.

(P.R. BORA)
JUDGE

BDV