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

**CIVIL APPLICATION NO.15030 OF 2018
IN
WRIT PETITION NO.7054 OF 2017**

Krishna Trimbak Dhake,
Age: Major, Occu: Agriculturist,
R/o Varadsim, Tq. Bhusawal,
Dist. Jalgoan & anr.

..APPLICANTS

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr Chetan T. Jadhav, Advocate for applicants;
Ms R. P. Gour, A.G.P. for respondent Nos.1, 4 & 5

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 24th January, 2019

ORAL ORDER:

This is an application by the applicants/petitioners seeking withdrawal of the amount deposited in this Court to the tune of Rs.1,00,000/-.

2. Learned Counsel for the applicants/petitioners invited our attention to the orders of this Court dated 30th May, 2017, 19th June, 2017 and 28th February, 2018 passed in writ petition. Learned Counsel for the applicants/petitioners is justified in submitting before us that the interim relief was granted to the applicants/petitioners, subject to deposit of an

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amount of Rs.1,00,000/- within stipulated period. The applicants/petitioners have failed to deposit the amount within a stipulated period and their failure resulted into vacation of interim relief and in the meantime, respondent Nos.2 and 3 have got mutated their names in the revenue record in respect of the properties of the petitioners. It is also not in dispute that the contention raised in the petition are kept open.

3. The Counsel for the applicants submits that the applicants are the agriculturists and their agricultural land is the only source of their earning, as such, they be permitted to withdraw the amount deposited in this Court.

4. As the order dated 30th May, 2017 clearly shows that this Court has directed the petitioners to deposit the amount to show their bona fide while granting interim relief in their favour and their failure resulted in vacation of interim relief, the application is allowed in terms of prayer clause (A). The application is disposed of accordingly.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk