

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

**928 CIVIL APPLICATION NO.5710 OF 2020
IN FA/2287/2019**

BHIMRAO LIMBAJI GAWARE (DIED) THR LRS KAMALBAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Mrs. P.G. Sontakke, Advocate for applicants

Mr. B.V. Virdhe, AGP for the respondent No.1

Mrs. S.D. Shelke, Advocate for the respondent No.2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JUNE, 2021.

PER COURT :

1 Issue notice to respondents. Learned AGP waives notice for respondent No.1 and learned Advocate Mrs. Sunita D. Shelke waives notice for the respondent No.2.

2 In view of the fact that the entire decretal amount was to be deposited in view of the order passed by this Court below stay application in companion Civil Application No.3803 of 2019 by order dated 05.07.2019 amount of Rs.8,71,324/- has been deposited on 27.02.2020. Therefore, taking into consideration this amount, that has been deposited, each of the

applicant i.e. applicant Nos.1 to 5 are allowed to withdraw amount of Rs.1,25,000/- each by submitting an undertaking within a period of 8 weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

3 Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

agd