

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

CIVIL APPLICATION NO. 3870 OF 2021

IN

FIRST APPEAL NO. 537 OF 2020

Jagannath Bhaurao Gadekar

..APPLICANT

VERSUS

The Executive Engineer
Minor Irrigation Division No.1
Aurangabad and Another

..RESPONDENTS

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Mr. V.B. Wayal, Advocate for applicant
Mr. S.C. Arora, Advocate for respondent no.1
Mr. S.S. Dande, A.G.P. for respondent no.2 - State

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CORAM : R.G. AVACHAT, J.
DATE : 19th JULY, 2021

PER COURT :

1. Heard.

2. Learned counsel for the acquiring body has strong objection for withdrawal of amount more than 50%. It appears that in connected matter this Court vide order dated 12th July, 2021 has permitted to withdraw 75% of the amount deposited in this Court. Similar treatment is required to be given to the applicant herein.

3. For the reasons given in the application, the applicant is permitted to withdraw 75% of the amount deposited in this Court, 50% on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount on submitting solvent surety/security/bank guaranty in the like amount. Balance 25% amount be invested in fixed deposit in any nationalised bank. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD