

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

**CIVIL APPLICATION NO.12690 OF 2018
IN FA/3199/2016**

**MADAN SAHEBRAO BHOITE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr.A.S.More, Advocate for applicant
Mr.P.M.Kulkarni, AGP for respondent no.1
Mr.S.G.Sangale, Advocate for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : JULY 26, 2021**

ORDER :-

Heard.

2. Learned counsel for the parties are at *ad idem* to pass order similar to one passed by this Court on 03.07.2018 in Civil Application No.4471 of 2018 in First Appeal No.3120 of 2016 and connected matter.

3. In view of the above, following order is passed :-

(i) The application is partly allowed.

(ii) The applicant-original claimant is permitted to withdraw 75% of the amount deposited in this Court; 50% be paid on furnishing

usual undertaking to the satisfaction of learned Registrar (Judl.) of this Court; and 25% be paid on furnishing solvent security/surety.

(iii) Balance amount be kept in fixed deposit with any nationalised bank until decision of this appeal.

(iv) Accordingly, the Civil Application stands disposed of in above terms.

[R.G. AVACHAT, J.]

KBP