

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

**CIVIL APPLICATION NO.354 OF 2020
IN
FA/1488/2016**

**ARJUN SUKDEO KOLHE (DIED) THROUGH LRS
KAILAS ARJUN KOLHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....

Ms. Sakshi Ajeet Kale, Advocate h/f Mr. Ajeet B. Kale, Advocate for
the Applicants
Mr. A.M. Phule, AGP for Respondent Nos.1 and 2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th DECEMBER, 2021

PER COURT:-

1. Heard Ms. Kale, learned counsel holding for Mr. A.B. Kale, Mr. Phule, learned AGP for respondent nos. 1 and 2. Perused the earlier orders passed by this Court.
2. Ms. Kale, learned counsel for the applicants seeks permission to withdraw remaining 50% of the amount, which is deposited in this court by the Government, without insisting for solvent surety.
3. Mr. Phule, learned AGP for the State opposed to allow such prayer.

4. Perused the order passed by this Court (Coram : P.R. Bora, J.) in civil application no. 4783/2017 dated 18.07.2017. On perusing the order, it is evident that my learned brother (Hon'ble Shri Justice P.R. Bora) was pleased to allow the applicant to withdraw 50% of the deposited amount on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. The applicant was further permitted to withdraw the remaining 50% amount on furnishing solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court. That order seems to have been passed on the basis of submissions made by the learned counsel for the applicant / original claimant. As such, no need to review that order.

5. In view of the order passed in companion matter, the prayer is turned down.

6. The civil application is rejected. The appeal to proceed further.

[SHRIKANT D. KULKARNI]
JUDGE