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35-CA-8191-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 CIVIL APPLICATION NO. 8191 OF 2025
IN FA/2321/2014

Vilas Nivrutti Kutwad And Others

VERSUS

The State Of Maharashtra Through The Collector, Latur

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Mr. Laxmikant C. Patil, Advocate for Applicants.

Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 8th AUGUST 2025.

PC :-

1. Heard the parties.
2. This civil application is filed seeking modification of order dated 21st November 2016, passed by this Court whereby the applicants were permitted to withdraw the amount upon certain conditions. The appellant, however, had not deposited the entire amount by that time. Now, the entire amount is deposited after proper calculation.

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3. The applicants have already withdrawn 50% of the amount on giving an undertaking. However, remaining amount could not be withdrawn as it was not deposited. The applicants have now approached this Court for modification that instead of submitting bank guarantee for 25% of the amount, they be permitted to withdraw 50% of the amount on furnishing solvent surety/security.

4. The earlier order dated 21st November 2016 was only in respect of the amount which was deposited in this Court. Now, the applicants are praying that they be allowed to withdraw the amount which is now deposited on the same conditions. This Court does not find any difficulty in allowing the present application. The application is thus allowed.

5. The applicants are permitted to withdraw 50% of the amount now deposited alongwith accrued interest on furnishing an undertaking to the effect that in the event of success of the appeal, they shall re-deposit the amount within a period of three months in the office of this Court from such decision.

6. The remaining 50% of the amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

7. With this, application stands disposed off.

[KISHORE C. SANT, J.]