IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.9445/2011
IN
FIRST APPEAL NO.2635/2009

Basraj Bansi Chavan & others.
...Applicants..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalgaon,
others.
...Respondents...

.....

Shri H.B. Nandagavale, Advocate h/f Shri V.G. Sakolkar, Advocate for applicants.
Shri S.G. Sangle, AGP for the State.
Shri S.S. Chillarge, Advocate for respondent no.1.

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CORAM: M.T. JOSHI, J.

DATE: 13.02.2015

ORDER :

1] Heard both the sides.

2] Learned counsel for the applicants files on record copy of the order passed in Civil Application No.12968/2009 in First Appeal No.4370/2008 and connected matters dated 5.2.2010. It is an admitted fact that the present appeal also arises out of the same award. The

copy of order is taken on record and marked as Exhibit X for the purpose of identification. For the similar reasons stated therein, following order is passed.

3] Considering the contentions raised by the respective parties, the application deserves to be allowed. The applicants are permitted to withdraw the amounts deposited by the acquiring body on condition that the applicants shall furnish an undertaking before the Registrar of the High Court to the effect that in case of success in the first appeals, the applicants would deposit the amount. The application is accordingly allowed.

4] Present matter be placed along with First Appeal Nos.4370/2008, 4376/2008, 4373/2008, 4224/2008, 4225/2008 and 4230/2008.

(M.T. JOSHI, J.)