

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5431 OF 2016
IN FAST/29077/2015 WITH CA/13257/2015 IN FAST/29077/2015 WITH
CA/13258/2015 IN FAST/29077/2015

RANGNATH RAMKISHAN AKAAT
VERSUS
THE EXECUTIVE ENGINEER, MAJALGAON CANAL DIVISION NO.10
PARBHANI, UNDER GMIDC AURA

...
Advocate for Applicant : Mr. Kale Mahesh P.
Advocate for Respondent No.1 : Mr. B.R. Survase
AGP for Respondents 2 and 3: Mr. S.R. Yadav
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CORAM : V. K. JADHAV, J.
DATED : 17th JUNE, 2016

PER COURT:-

1. Learned counsel for the applicant submits that in similar group matters, this Court has permitted the applicants herein withdraw 80% of the amount on furnishing undertaking and remaining 20% amount is directed to be invested in F.D.R. until disposal of first appeals. Learned counsel for the respondents acquiring body has no objection for passing the same order.

2. In view of the above submissions, the applicant is permitted to withdraw 80% of the amount deposited by the acquiring body in the appeal, on furnishing an undertaking by the claimant that he will re-deposit the amount in the event of any adverse order passed against him, within the time which may be provided by this Court at the

relevant time. The remaining 20% of the amount be invested in fixed deposit , in any Nationalized Bank, initially for a period of three years and fixed deposit thereafter be renewed from time to time till disposal of appeal. Civil application for withdrawal of amount is disposed of.

3. For the reasons stated in the civil application, civil application for condonation of delay is allowed. Delay condoned. Civil application is disposed of.

4. Issue notice to the respondents in first appeal.

5. Mr. Kale, learned counsel waives notice for respondent-claimant.

6. Call for record and proceeding.

(V. K. JADHAV, J.)

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