

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 10267 OF 2016
IN FA/775/2016

VITHAL JAYSING DHANAWAT AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.NO.1,
AURANGABAD THR G.M.I.D.C. AND OTHERS

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Advocate for Applicants : Mr. Ajeet B. Kale.
Advocate for Respondent No.1 : Mr. S. G. Bhalearao.
AGP for Respondent No.3 : Mr. A. M. Phule.

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CORAM : **P. R. BORA, J.**
DATE : 22nd July, 2016.

P.C.:

. By filing the present application, the original Claimants are seeking withdrawal of the amount deposited in the present appeal by the Appellant acquiring body. The learned counsel for the Appellant acquiring body has opposed the application.

2 After having considered the contentions raised in the application and after having gone through the grounds of objections raised in the memo of appeal in exception to the impugned award, I deem it appropriate to pass the following order –

ORDER

I. The Applicants are permitted to withdraw 50% of

the total amount on submitting an undertaking that in the event of passing of any adverse order against them, they shall redeposit the said amount within a period of six months from the date of passing of such order.

- II. The Applicants are permitted to withdraw more 25% of the total amount on furnishing bank guarantee in the like amount in the Registry of this Court.
- III. The balance 25% of the total amount shall be invested in FDR in any nationalized any initially for the period of one year with a further direction to renew the said FDR, if so required, till the decision of the present appeal.
- IV. Civil application stands disposed of.

[P. R. BORA, J.]