

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO.14922 OF 2016
IN FAST/19839/2014 WITH CA/3151/2015 IN
FAST/19829/2014 WITH CA/3152/2015 IN
FAST/19829/2014 WITH CA/3153/2015 IN
FAST/19839/2014 WITH CA/3154/2015 IN
FAST/19839/2014 WITH CA/3155/2015 IN
FAST/19833/2014 WITH CA/3156/2015 IN
FAST/19833/2014

MOHAN SHANKAR NAIKNAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
AND

31 CIVIL APPLICATION NO. 14936 OF 2016
IN FAST/19800/2014 WITH CA/3149/2015 IN
FAST/19800/2014 WITH CA/3150/2015 IN
FAST/19800/2014

FULCHAND VITTHALRAO BHOSALE SINCE DEID THR HIS
LRS DATTATRAYA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...

Advocate for Applicant : Mr. Jaybhay Bibhishan R.
Mr. G.O.Wattamwar & Mr. SP Deshmukh, AGPs for
Respondent:1 (in respective matters);
Mr. B. R. Surwase, Adv. For R/2.

CORAM : P.R.BORA, J.

DATE : 22nd November, 2016.

PER COURT :

1) Heard the learned Counsel appearing for

the applicant/s, learned counsel for the acquiring body and learned AGP for State.

2) Considering the contentions raised in the application for withdrawal of amount and having regard to the objections raised by the acquiring body in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

ORDER

i) The applicant/s are permitted to withdraw 40% of the amount deposited by the acquiring body in this court, on submitting an undertaking that, in the event any adverse order is passed against them in the appeal/s, they will re-deposit the amount within four months of passing such order;

ii) Balance 60% amount be invested in a Fixed Deposit Receipts in any Nationalized Bank, till disposal of the appeal/s.

iii) The Civil Application/s for withdrawal of the amount is disposed of.

3) Heard the learned Counsel for the respective parties on CA for condonation of delay. Delay of 408 days has occurred in filing the present appeal/s. The learned counsel appearing for the original claimants has opposed for condoning the delay stating that the reasons assigned are not just and sufficient so as to condone the delay. On perusal of the contents of the application, it is revealed that the delay has been sufficiently explained. The delay seems to have been caused in making the procedural compliances. I am, therefore, inclined to condone the delay so caused. The delay is condoned. The appeal be registered in accordance with law. CA for condonation of delay are disposed of.

4) After registration of the appeal, issue notice to the respondents. Learned counsel and

learned AGP waive service for respective respondents. Service is complete. Place the matter for admission after six weeks.

5) In view of the fact that the acquiring body has deposited the entire amount under the Award/s, the interim stay granted, vide order passed by this court on 10th March, 2015, is made absolute. CA for stay stands disposed of.

(P.R.BORA)
JUDGE

bdv/