

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

22 CIVIL APPLICATION NO.11091 OF 2016
IN FA/1303/2016

SHAMRAO ABHIMAN BHADARGE DIED THR LRS SHESHRAO
SHAMRAO BHADARGE
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT DIV.
SAILU AND ANR

...

Advocate for Applicant : Mrs. Rakh Asha D.
Mr. AM Gaikwad, Adv. For Resp.No.1;
Mr. AM Phule, AGP for Respondents:2

...

CORAM : P.R. BORA, J.
Dated: August 29, 2016

...

PER COURT :-

1) Heard. Learned Counsel appearing for the parties jointly submit that in the other appeals arising out of the same acquisition proceedings this Court (Coram: V.K.Jadhav,J.), vide order passed on 10th June, 2016 in CA No.7918/2016 in FA No. 1299/20166 with connected appeals, has permitted the original claimants to withdraw 75% of the amount on submitting an undertaking and has further directed to keep the balance 25% amount in Fixed Deposit Receipt. The learned Counsel have, therefore,

BDV

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

prayed for passing the similar order in the present matter also.

2) In view of the submissions so made, following order, -

ORDER

i) The applicant is permitted to withdraw 75% of the deposited amount by submitting an undertaking that in the event any adverse order is passed, he will re-deposit the said amount in this Court within four months of passing such order.

ii) Balance 25% amount be invested in any Nationalized Bank initially for a period of two years and to be renewed if so required till disposal of the appeal.

iii) CA for withdrawal of the amount stands dispose of.

3) Having regard to the grounds raised in the appeal, **Admit.** On admission, learned Counsel and learned AGP waive service for respective respondents.

(P.R. BORA, J.)

...