

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.12374 of 2016

**920 CIVIL APPLICATION NO. 12374 OF 2016
IN FA/1536/2016**

BHAURAO DEORAO WAGH
VERSUS
THE EXECUTIVE ENGINEER, LOWER DUDHANA PROJECT
DIVISION, SAILU THR EXE ENGINEER AN

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Advocate for Applicant : Mr.Koralkar Arun H.
AGP for Respondent State: Mr.A.M.Phule
Mr. M.D.Narwadkar, h/f Mr.S G Bhalerao, Adv., for
respondent no.1.

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CORAM : P.R. BORA, J.
Dated: September 23, 2016

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PER COURT :-

1. Learned Counsel for the applicant submits that in the connected matters, this Court has allowed the respective claimants in the said appeals to withdraw 75 per cent of the amount deposited in the Court on furnishing an undertaking. Copy of the said order passed in C.A.No.7918/2016 in First Appeal No.1299/2016 with the connected appeals is placed on record. Learned Counsel further pointed out that this Court has also passed such orders on 22nd July, 2016, in C.A.No.10304/2016. Learned Counsel appearing for the acquiring body has not disputed the facts stated as aforesaid and has prayed for passing appropriate orders. In view of the above, the following order is passed:

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) CA NO.12374 of 2016

ORDER

1. Civil Application for withdrawal of amount is allowed. The applicant is permitted to withdraw 75 per cent of the amount deposited in the Court subject to furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 25 per cent amount be kept in any nationalized Bank in Fixed Deposit Receipt, initially for a period of two years, and if so required, to reew the said Fixed Deposit Receipts for further period, till disposal of the appeal.

2) In view of the fact that the acquiring body has deposited entire amount under the award, the interim stay granted for execution of the impugned award stands confirmed. Civil Application for stay is already disposed of.

(P.R. BORA, J.)

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