

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

69 CIVIL APPLICATION NO. 13850 OF 2016
IN FAST/467/2016 WITH CA/645/2016 IN FAST/467/2016

LAXMAN JAIRAM DHOKALE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.1,
AURANGABAD AND ANR

...
Advocate for Applicant : Adkine Sonaji K
AGP for Respondents: Y.G.Gujrathi
Advocate for Respondents : G.B. Rajale h/f. Jeevan R. Patil
...

CORAM : P.R. BORA, J.
DATE : 21-11-2016.

P.C. :

1. Delay of 888 days has occurred in filing the present appeal. The contents of the application reveal that in making procedural compliances i.e. seeking sanctions at different levels, delay has been caused. It is brought to my notice that, the claimants have also preferred an appeal seeking enhancement in the amount of compensation and the same is admitted and pending for consideration. In view of the fact, as aforesaid and further considering that, the delay has been sufficiently explained in the present application, the delay is condoned. Appeal be registered in accordance with law. Civil application stands disposed of.

2. Heard. Considering the contentions raised in the application for withdrawal of the amount and having regard to the objections raised in exception to the impugned judgment and order,

I deem it appropriate to pass the following order:

ORDER

- i) The applicant is permitted to withdraw 70% of the deposited amount on submitting an undertaking that in the event any adverse order is passed he will re-deposit the amount so withdrawn by them within four months of passing such order.
- ii) Balance 30% amount be invested in any nationalized bank in F.D.R. initially for a period of two years and if required, for a further period till the disposal of the appeal. Civil application stands disposed of.

(P.R. BORA)
JUDGE