

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

37 CIVIL APPLICATION NO. 11133 OF 2016
IN FAST/23991/2016 WITH CA/11134/2016 IN
FAST/23991/2016 WITH CA/16005/2016 IN
FAST/23991/2016

EXECUTIVE ENGINEER, MAJALGAON CANAL DIVISION NO.10
PARBHANI UNDER GMIDC AURANGABA

VERSUS

HARIBHAU KONDIBA WAGH

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Mr. Tarde Vivek V, Adv. For R/1

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CORAM : P.R. BORA, J.

Dated: December 13, 2016

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PER COURT :-

1) Heard. For the reasons stated in the application, which according to me are just and sufficient, delay of 263 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

2) After registration of the appeal, issue notice to respondent. Service complete. Place the matter for final disposal at admission stage on 15th February, 2017.

3) Heard the CA for withdrawal of the amount. For the reasons stated in the application and having regard to the grounds raised by the appellant in exception to the impugned judgment, I deem it

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appropriate to pass the following order, -

ORDER

i) The applicant is permitted to withdraw 70% of the deposited amount on submitting an undertaking that if any adverse order is passed against him, he will re-deposit the said amount within four months of passing such order;

ii) Balance 30% amount be invested in FDR of any nationalized bank for the period till disposal of the appeal.

iii) CA for withdrawal of amount is disposed of.

4) In view of the fact that the acquiring body has deposited the amount under the Award, the interim stay granted by this Court vide order passed on 11th August, 2016 is made absolute. CA for stay stands disposed of.

(P.R. BORA, J.)

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