

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

938 CIVIL APPLICATION NO. 3409 OF 2017
IN FAST/26811/2013

WITH CA/3408/2017 IN FAST/25386/2013
WITH CA/3410/2017 IN FAST/26825/2013
WITH CA/3411/2017 IN FAST/25903/2013
WITH CA/3412/2017 IN FAST/25931/2013
WITH CA/3413/2017 IN FAST/25349/2013
WITH CA/3415/2017 IN FAST/25373/2013
WITH CA/3416/2017 IN FAST/26780/2013
WITH CA/3417/2017 IN FAST/26805/2013
WITH CA/3418/2017 IN FAST/25917/2013
WITH CA/3419/2017 IN FAST/26776/2013
WITH CA/3508/2017 IN FAST/26766/2013
WITH CA/3513/2017 IN FAST/26772/2013
WITH CA/10544/2017 IN FAST/25158/2013
WITH CA/10547/2017 IN FAST/25380/2013

LAXMAN GANGADHAR WAKCHOURE AND OTHERS
VERSUS

THE EXECUTIVE ENGINEER URDHA PRAVARA DHARAN VIBHAG
SANGAMNER AND ANR

Advocate for Applicant : Mr. Kute Rajendra L.

AGP for Respondents State: Mr. S. S.Dande

Advocate for Respondent No.1 : Mr. P.S. Patil

CORAM : K. L. WADANE, J.

DATE : 12th September, 2017

ORDER:

1. Learned counsel for the applicants submits that in the connected appeals, arising out of the same acquisition proceedings, preferred by the acquiring body, this court by order dated 18.2.2016 permitted the applicants/original claimants therein to withdraw the amount on certain conditions. Learned counsel submits that the applicants herein may also be permitted to withdraw the compensation amount on the same

conditions.

2. Learned counsel appearing for the respondent acquiring body submits that so far as the common judgment and award passed by the Reference Court under challenge in the present appeals is concerned, the same is passed by the Reference Court on the basis of judgment and award passed by the Reference Court, which is under challenge in the appeals dealt with by this Court by order dated 18.2.2016, so far as withdrawal of compensation is concerned.

3. In view of above, the applicants herein are also permitted to withdraw the amount on the same conditions as per the order dated 18.2.2016.

4. The applicants are permitted to withdraw 75% amount after giving undertaking to the satisfaction of the executing Court and the remaining 25% after giving solvent surety to the satisfaction of executing court.

5. The amount under award deposited in this Court shall be transferred to the executing court. Civil applications for withdrawal of amount are disposed of.

(K. L. WADANE, J.)

JPC