

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 CIVIL APPLICATION NO. 1446 OF 2017
IN FAST/27690/2015 WITH CA/12710/2015 IN FAST/27690/2015
WITH CA/12711/2015 IN FAST/27690/2015

WAMAN GANGADHAR SHEWALE AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MAJALGAON CANAL DIV.NO.10,
PARBHANI THR GMIDC AURANGABAD

...
Advocate for Applicants : Tungar Nikhilesh K.
AGP for Respondents: B.V. Virdhe
Advocate for Respondents : S.G. Bhalerao
...

CORAM : V.K. JADHAV, J.
DATE : 10-02-2017.

P.C. :

1. The learned counsel for the applicants submits that, this court by order dated 30.11.2016 has permitted the applicants to withdraw the amount with certain directions. The learned counsel appearing for the respondent acquiring body has no objection, if the applicants in the present case are permitted to withdraw the amount in the manner as directed by this court in the order dated 30.11.2016 in the connected appeals.

2. In view of the above, the applicants are permitted to withdraw 50% of the deposited by the respondent acquiring body in this court on submitting undertaking to the satisfaction of the Registrar (Judicial) and 50% of the amount be invested in F.D.R. in any nationalized bank till disposal of the appeal. Civil application is

accordingly disposed of.

3. The learned counsel for the applicant submits that due to administrative difficulties the appeals could not be preferred within time and therefore delay of 524 occurred in filing the appeal. The learned counsel for the respondent strongly resisted the application. On perusal of the application and in view of the above submission, the delay has been explained satisfactorily. The civil application is thus allowed and delay caused in filing the first appeal is hereby condoned. Civil application is allowed and accordingly disposed of.

4. The learned counsel for the acquiring body submits that this court has admitted the connected appeals.

5. In view of the above.

6. Admit.

7. The learned counsel waives on admission for respondent original claimants and the learned A.G.P. for the respondent-state on admission. Call for record and proceedings.

(V.K. JADHAV)
JUDGE

mub