

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CIVIL APPLICATION NO. 2926 OF 2017
IN FAST/5456/2016 WITH CA/3051/2016 IN FAST/5456/2016 WITH
CA/3052/2016 IN FAST/5456/2016

DATTATRAYA MANIKARAO KASHTTE
VERSUS
THE EXECUTIVE ENGINEER, MAJALGAON DAM, DIVISION NO.10,
PARBHANI AND ORS

...
Advocate for Applicant : Mr. Tripathi Manish P.
AGP for Respondents: Mr. S.S. Dande
Advocate for Respondents : Mr. R.C. Patil

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CORAM : V. K. JADHAV, J.
DATED : 3rd MARCH, 2017

PER COURT:-

1. Heard both sides.
2. Considering the challenge made to the judgment and award passed by the Reference Court and the rate enhanced by the Reference Court compared to the compensation awarded by the S.L.A.O, the applicants, who are poor agriculturists, fighting for getting compensation of their acquired land since long, are allowed to withdraw 75% of the amount deposited before this court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.
3. Remaining 25% of the amount shall be invested in any Nationalized bank initially for a period of three years and the fixed

deposits be renewed thereafter from time to time until further orders. Civil application for withdrawal of amount is accordingly disposed of.

4. In so far as civil application for condonation of delay is concerned, heard both sides. Considering the submissions made on behalf of the applicant and for the reasons stated in the civil application, delay caused in filing first appeal is hereby condoned. Civil application for condonation of delay is disposed of.

5. In first appeal, issue notice to the respondents, returnable on 13.04.2017. Learned counsel waives notice for respondents. Call for record and proceedings.

6. In so far as stay application is concerned, since entire amount of award under challenge is deposited, there shall be stay to the impugned judgment and award till final disposal of first appeal. Civil application for stay is accordingly disposed of.

(V. K. JADHAV, J.)

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