

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

CIVIL APPLICATION NO.3368 OF 2017 IN
FIRST APPEAL NO.253 OF 2015

Dagadu s/o Namdeo Shingare ... APPLICANTS

VERSUS

The Executive Engineer,
Construction (Civil), M.S.E.D.C.L.,
and others ... RESPONDENTS

.....
Shri S.S. Choudhari, Advocate for applicants
Shri P.B. Paithankar, Advocate for respondent No.1
Shri B.A. Shinde, A.G.P. for State
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CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 12th October, 2017.

ORAL ORDER

1. After considering the submissions made by the learned counsel for the parties and in view of the fact that the issues raised by the acquiring body in this First Appeal are highly debated and requires detailed consideration, however, in view of the applicant suffering from various diseases and requires medical assistance, by consent of parties, we are inclined to permit the applicants to withdraw a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) upon the applicants furnishing an undertaking to the effect that if the applicants fail in the First Appeal filed by the acquiring body, the applicants would return

the said amount with interest as may be directed by this Court. It is made clear that if such undertaking is not filed within four weeks from today, the withdrawal shall not be permitted in favour of the applicants. If any such undertaking is filed, such undertaking shall be continued till the disposal of the First Appeal and for a period of four weeks thereafter. Copy of the undertaking shall be furnished to the learned Advocate who represents the acquiring body simultaneously.

2. If the balance amount is not invested by the learned Registrar (Judicial) so far, the same shall be invested in a Fixed Deposit of a Nationalised Bank initially for a period of two years and thereafter for like period after obtaining orders from this Court.

3. Civil Application is disposed of in aforesaid terms. No order as to costs.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/