

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

**CIVIL APPLICATION NO. 5042 of 2016
IN
FIRST APPEAL NO. 2924 of 2015**

Rangnath Natha Sathe (DIED)

Through L.Rs. Smt. Dwarkabai Rangnath Sathe and others

...PETITIONERS

VERSUS

The Executive Engineer,

Krishna Khore Mahamandal, M.I.DIVN. No.1, Ahmednagar and Anr.

...RESPONDENTS

Mr D.R. Jayabhar, Advocate for petitioners.

Mr J.R. Patil, Advocate, holding for Mr G.B. Rajale, Adv. For Resp.No.1

Mr. S.M. Ganachari, Asstt. Govt. Pleader for respondent No. 2.

CORAM : NITIN W. SAMBRE, J.

DATE :22nd September, 2017

ORAL ORDER :

In view of Order dated 23rd October 2015 passed in Civil Application No. 14175 of 2015 in First Appeal No. 768 of 2014, the Order dated 12th June 2016 in Civil Application No. 1076 of 2015 passed in the

present appeal, stands modified.

2. It is ordered that the application is allowed in terms of Prayer Clause "C", subject to furnishing undertaking that in case of appeal of Acquiring Body is allowed, entire amount shall be deposited within the period of ten weeks, with interest at the rate of 6% per annum.

(NITIN W. SAMBRE, J.)

pjm.