

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7906 OF 2016
IN FA/461/2015 WITH CA/7912/2016 IN FA/457/2015

RAMESHWAR ASARAM GARDE
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT
DIVISIONSAILU AND ANR

WITH

CIVIL APPLICATION NO. 9979 OF 2016
IN FA/458/2015

ASARAM JEENAJI BOBADE AND ANR
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT
DIVISIONSAILU AND ANR

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WITH

CIVIL APPLICATION NO. 9981 OF 2016
IN FA/459/2015

ANNAPURNABAI MURLIDHAR KAKDE
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT
DIVISIONSAILU AND ANR

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Advocate for Applicant : Smt. Rakh Asha D. and Mr. Nilesh Avhad
AGP for Respondents: Mr. A.M. Phule
Advocate for Respondents : Mr. S.G. Sangle

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CORAM : V. K. JADHAV, J.
DATED : 5th APRIL, 2017

PER COURT:-

1. These matters are moved for speaking to minutes of order dated 03.03.2017 passed in civil applications for withdrawal of amount.

2. Learned counsel for the applicants submits that the respondent-acquiring body has deposited entire amount under award in this court and not before the executing Court. Out of the said amount, initially the applicants were permitted to withdraw 50% of the amount. However, inadvertently in para 2 of the order dated 3.3.2017, it has been observed that respondent acquiring body has deposited 50% of the amount before the executing Court and the same has been withdrawn by the applicant herein. Learned counsel appearing for the acquiring body has not disputed this position.

3. In view of above, para 2 of order dated 03.03.2017 passed in the aforesaid civil applications, is corrected in the following manner.

“Learned counsel appearing for the respondent-acquiring body submits that, the respondent-acquiring body has deposited entire amount in this court and out of the said amount, initially, the applicants have withdrawn 50% of the amount.”

4. In view of above correction, para 3 of the order dated 03.03.2017 is also corrected to the effect that, “the applicants are permitted to withdraw 50% of the amount out of the balance amount, on furnishing undertaking to the satisfaction of Registrar (Judicial) of

this court and remaining amount shall be invested in fixed deposit in any nationalized bank, initially for a period of two years and the fixed deposits be renewed thereafter from time to time until further orders.”

5. The order dated 03.03.2017 stands corrected to that extent. Motion stands disposed of.

(V. K. JADHAV, J.)

rlj/