

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

33 CIVIL APPLICATION NO. 3439 OF 2017
IN
FAST/10213/2016
WITH
CA/4282/2016 IN FAST/10213/2016 WITH CA/4283/2016
IN FAST/10213/2016

BAPU KONDIBA JARE AND ORS
VERSUS
THE EXECUTIVE ENGINEER, KRISHNA KHORE, OSMANABAD
THR MKVDC PUNE AND ANR

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Adv.for Applicants : Mr. Nirmal Ramchandra J.
Mr. A. N. Gaddime For R/1;
Mr. PG Borade, AGP For R/2.

CORAM : P.R.BORA, J.

DATE : 27th June, 2017.

PER COURT :

1) Heard. Learned counsel for the applicants submitted that in another matter arising out of the same judgment, which is impugned in the present appeal, this Court (Coram:V.K.Jadhav,J.), vide order passed on 28th April, 2017, has permitted the applicants to withdraw 50% of the deposited amount on submitting an undertaking. Further 25% on

furnishing solvent surety and the balance amount is directed to be invested in Nationalized Bank. The learned Counsel prayed for similar order.

2) Shri Gaddime, learned counsel appearing for the acquiring body does not dispute the correctness of the facts so stated by Advocate Shri Nirmal. A copy of the order passed on 28th April, 2017 in CA No. 3438/2017 is also placed on record.

3) In view of the above, following order, -

ORDER

(I) The applicants are permitted to withdraw 50% of the deposited amount with interest accrued thereon on furnishing an undertaking to the satisfaction of Registrar (Judicial) of this Court;

(ii) The applicants are further permitted to withdraw 25% of the deposited amount on furnishing solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of

this Court;

(iii) Balance 25% amount be invested in a Nationalize Bank, initially for two years, and if so required for further period till disposal of the appeal.

. CA for withdrawal of the amount stands disposed of.

4) Learned Counsel appearing for the original claimant/s has fairly conceded for condoning delay. Even otherwise, the delay has been sufficiently explained. The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law. CA for condonation of delay stands disposed of.

5) On registration of the appeal, issue notices to the respondents. Learned AGP and learned Counsel waive service for the respective respondents. Service complete.

6) List the matter for admission after four

weeks. Call R and P.

7) Since the acquiring body has deposited the entire amount of compensation, the interim order passed by this court on 4th April, 2016 is made absolute. CA for stay stands disposed of.

(P.R.BORA,J.)

bdv/