

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.6409/2017gr

**58 CIVIL APPLICATION NO. 6409 OF 2017
IN FA/6/2016**

SUMANBAI BHAURAO BORADE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT DIV. SAILU
AND ANR

...
Advocate for Applicants : Smt.Rakh Asha D.
AGP for Respondent State: R.B.Bagul
S. G. Sangle, Adv., for R/1.

**59 CIVIL APPLICATION NO. 6415 OF 2017
IN FA/2/2016**

SARJERAO SHESHRAO MOTE
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHNA PROJECT DIV. SAILU
AND ANR

...
Advocate for Applicant : Smt.Rakh Asha D.
AGP for Respondent State: Mr. C.V.Dharurkar
Mr.S. G. Sangle, Adv., for respondent no.1.

**60 CIVIL APPLICATION NO. 6416 OF 2017
IN FA/5/2016**

TUKARAM APPARAO BAHEKAR
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHNA PROJECT DIV. SAILU
AND ANR

...
Advocate for Applicant : Smt.Rakh Asha D.
AGP for Respondent State: Mr.S.N.Ganachari
Mr.S. G. Sangle, Adv. for R/1.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.6409/2017gr

**61 CIVIL APPLICATION NO. 6470 OF 2017
IN FA/3/2016**

VIMALBAI DAYANOBA BORADE
VERSUS
THE EXECUTIVE ENGINEER LOWER DUDHNA PROJECT DIV. SAILU
AND ANR

...
Advocate for Applicant : Smt.Rakh Asha D.
AGP for Respondent State:Mr.R.B.Bagul
Mr.S. G. Sangle, Adv., for R/1.

...
CORAM : P.R. BORA, J.
Dated: June 27, 2017

...

PER COURT :-

1. Learned Counsel appearing for the applicants submitted that in companion matters, this Court (Coram: V.K.Jadhav, J.) on 3rd of March, 2017, in CA No.2021/2017 in First appeal No.1001/2016, has passed an order thereby permitting the claimants therein to withdraw 50 per cent of the deposited amount on submitting an undertaking and has directed to deposit balance 50 per cent of amount in any nationalized Bank. Copy of the said order is taken on record and is marked X for identification.

2. As has been submitted by the learned Counsel appearing for the applicants, the acquiring body has deposited the 50 per cent of the amount under the awards before the executing Court and the same has already been withdrawn by the original claimants. Balance 50 per cent amount has been deposited by

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3)

CA NO.6409/2017gr

the acquiring body in this Court.

3. From the order placed on record by the learned Counsel for the applicant passed on 3rd of March, 2017, in companion matters, it is revealed that this Court has permitted withdrawal of 50 per cent of the amount deposited in this Court. In the circumstances, I see no reason to take any different view. Hence, the following order:

ORDER

1. The applicants are permitted to withdraw 50 per cent of the amount deposited in this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

2. Balance 50 per cent of the amount deposited shall be invested in a fixed deposit in any nationalized Bank initially for a period of two years and if so required for further period till disposal of the appeals.

Civil Applications for withdrawal of amount stand disposed of in above terms.

(P.R. BORA, J.)

agp/-