

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

979 CIVIL APPLICATION NO. 8090 OF 2017
IN FAST/22554/2015 WITH CA/10091/2015 IN FAST/22554/2015 WITH
CA/10092/2015 IN FAST/22554/2015

SUNDERRAO GOVINDRAO GHARE DIED THR LEGAL HEIRS
LAXMIBAI AND OTHERS

VERSUS

THE EX. ENGINEER, M.I.W DIVISION, JALNA AND ORS

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Advocate for Applicants : Mr. Kakade Deepak M.

AGP for Respondent-State: Mr. P.G. Borade

Advocate for Respondent-acquiring body : Mr. R.C. Patil

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CORAM : V. K. JADHAV, J.

DATED : 23rd JUNE, 2017

PER COURT:-

1. Learned counsel for the applicants submits that in the appeals arise out of the same acquisition proceedings, this Court by order dated 9.10.2015 permitted the applicants therein to withdraw 75% amount on certain conditions.

2. Learned counsel for the respondent acquiring body has also not disputed this position.

3. In view of the above and for the reasons stated in the civil application, the applicants herein are also permitted to withdraw 50% amount on furnishing undertaking and 25% amount on furnishing solvent security/surety to the satisfaction of Registrar (Judicial) of this Court. The remaining 25% amount be invested in fixed deposit in any

Nationalized Bank, initially for a period of three years and fixed deposit be renewed thereafter from time to time till disposal of first appeal. Civil application for withdrawal of amount is disposed of.

4. So far as civil application of condonation of delay is concerned, heard both sides. Learned counsel for the respondents claimants has not strongly resisted the application. In view of above and for the reasons stated in the application, delay caused in filing first appeal is hereby condoned. Civil application is allowed and disposed of.

5. In so far as civil application for stay is concerned, the learned counsel for the applicant acquiring body submits that entire amount under award has been deposited in this Court. In view of the same, there shall be stay to the impugned judgment and award till disposal of first appeal. Civil application for stay is disposed of.

6. In first appeal, issue notice to the respondents, returnable on 07.08.2017.

7. Learned counsel waives notice of respondents-claimants and learned A.G.P. waives notice of respondent-State/authority. Call for record and proceedings.

(V. K. JADHAV, J.)