

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

CIVIL APPLICATION NO. 11053 OF 2017

IN

FA/669/2017

WITH

CA/11067/2017 IN FA/670/2017

BABASAHEB APPASAHEB
BORADE AND ANR

...Applicants

VERSUS

THE EXECUTIVE ENGINEER,
LOWER DUDHANA PROJECT DIV.

SAILU THR JALNA IRRIGATION DIV

...Respondent

...

Advocate for Applicants : Mr. Koralkar Arun H.
Mr. U. P. Giri, advocate For R/1
Mr. A.M.Phule, A.G.P. For R/2

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CORAM : K.L.WADANE, J.

DATED : 29th AUGUST, 2017

O R D E R :

Learned counsel for the applicants submits that in similar application, this Court has already paid 75 per cent amount deposited in the Court on furnishing undertaking and remaining 25 per cent of the amount is directed to be kept in fixed deposit in any nationalized bank. Learned

counsel further pointed out that this Court has passed such orders on 22.7.2016 in Civil Application No. 10304 of 2016. Learned counsel appearing for the acquiring body has not disputed the facts stated as afore said and has prayed for passing appropriate orders.

In view of above, Civil Applications for withdrawal of amount are allowed. The applicants are permitted to withdraw 75 per cent amount deposited in the Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and remaining 25 per cent of the amount be kept in fixed deposit in any nationalized bank, initially for a period of two years, and if so required, to renew the said F.D.R. for further period, till disposal of the appeal.

Civil Applications is disposed of.

(K.L.WADANE, J.)

dbm