

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

933 CIVIL APPLICATION NO. 10700 OF 2017
IN FA/963/2012 WITH CA/1785/2012 IN FA/963/2012

HASINABEE YUSUF SHAIKH AND ORS
VERSUS
THE EXECUTIVE ENGINEER, WATER SUPPLY, MINOR IRRIGATION ZP
LATUR AND ORS

...
Advocate for Applicants : Mr. M. I. Dharashive.
Advocate for Respondents No.1,2 : Mr. V. R. Sonwalkar.
AGP for Respondent No.3 : Mr. S.R.Yadav-Lonikar.
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CORAM : K.K. SONAWANE, J.

DATED : 13TH SEPTEMBER, 2017.

Order :-

When the matter is called out, none appears for the respondents No. 1 and 2. The learned AGP is present for respondent No.3. Heard learned counsel for applicants-original claimants.

2. I have given anxious consideration to the submission advanced on behalf of the learned counsel for the applicant-original claimants. The learned counsel for applicants has insisted for direction to the respondents No. 1 and 2 to deposit the interest amount. He has also conceded that the the applicants-original claimants have withdrawn the principle compensation amount to the tune of Rs.2,15,259.30 Ps. deposited on behalf of respondents No. 1 and 2. He prayed for interest amount on the said principle compensation.

3. After verification of the entire relevant documents, it appears that, the respondents No. 1 and 2 preferred the First

Appeal No. 963 of 2012 and put in controversy findings of the learned Commissioner for imposing monetary liability on it. In such circumstances, I do not find any force in contention propounded on behalf of the applicants for insisting applicant-respondent to deposit the interest amount when the applicant has already received the principle amount of Rs.2,15,259.30 Ps. In such circumstances, application being inept stands rejected.

4. Appeal be kept for final hearing on merit in due course.

[K. K. SONAWANE]
JUDGE

rrd.