

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 12062 OF 2017
IN FA/3244/2016

VIJAYKUMAR CHANDGDEO GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND ORS

Advocate for Applicants : Mr. Vikas S. Tanwade
AGP for Respondents: Mr. S.R. Yadav

CORAM : K.K. SONAWANE, J.

DATE : 21st September, 2017.

PER COURT:

1] Heard the learned counsel for the applicant, learned counsel for respondent No.1 Acquiring Body as well as learned AGP for respondent Nos. 2 and 3.

2] Learned counsel for the Acquiring body placed on record an extract of the order passed by this Court in C.A No. 5398 of 2017 with companion matters dated 19.6.2017 and submits that similar nature of order has passed in this matter.

3] Learned counsel for the applicant also conceded to pass same order in this application.

4] In view of nature of subject matter, as well as contentions of both learned counsel for applicant and Acquiring Body, I do not find any impediment to pass order of similar nature in this application. Hence, I proceed to allow the application and pass the following order :-

[a] The applicants are permitted to withdraw 25% of the amount

deposited on behalf of the Acquiring Body in this case, on submitting an undertaking to the effect that if any adverse situation arises after adjudication of appeal on merit, the applicants shall refund the amount forthwith.

[b] The applicants are further permitted to withdraw rest of the 25% of the amount deposited in this case by the Acquiring Body, on furnishing solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this Court.

[c] However, the balance amount of 50% deposited by the respondent Acquiring Body in this case, be kept in a Fixed Deposit of any Nationalized Bank for a period of two years, or till adjudication of the present appeal on merit, whichever is earlier.

[d] Civil application is accordingly disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-