

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

**CIVIL APPLICATION NO. 11538 OF 2017  
IN  
FIRST APPEAL STAMP NO. 26529 OF 2017.**

Executive Engineer,  
Latur Minor Irrigation Division,  
Latur & anr.

**Applicants.**

**Versus**

Kesharbai Sampati Devkate

**Respondent.**

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Mr. B.R. Survase, Advocate for the applicants.

Mr. G.K. Sontakke, Advocate for the respondent.

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**CORAM : R.D. DHANUKA &  
SUNIL K. KOTWAL, JJ.**

**Dated : 08-09-2017.**

**PER COURT :-**

1. Rule. Learned Counsel for the respondent waives service. Returnable forthwith.
2. Heard learned Counsel appearing for the parties.
3. Civil Application No. 11538 of 2017 is made absolute in terms of prayer clause (B) on the condition that the applicant-Acquiring Body deposits the entire amount, as awarded, in this Court within 12

weeks from today and shall intimate about such deposit to the learned Advocate for the respondents. It is made clear that if the amount as directed is not deposited by the applicant-acquiring body within the time prescribed, the stay granted by this Court shall stand vacated without any further reference to the Court.

4. The respondent would be at liberty to file a separate Civil Application for withdrawal of the amount, if deposited by the applicant-acquiring body. Prayer for withdrawal, if any, in that Civil Application would be considered on its own merits.

5. It is not in dispute that the applicants herein have filed First Appeal restricted to the payment of interest only.

6. Civil Application is disposed of in aforesaid terms. No order as to costs.

**( SUNIL K. KOTWAL )**  
**JUDGE**

**( R.D. DHANUKA )**  
**JUDGE**