

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

929 CIVIL APPLICATION NO. 11522 OF 2017
IN FIRST APPEAL NO. 3949 OF 2017

MAHANANDA MARUTIRAO SAUDAGAR AND ORS

VERSUS

UNION OF INDIA, THR DY. CHIEF ENGINEER (CONSTRUCTION),
CENTRAL RAILWAY, SOLAPUR

WITH

929 CIVIL APPLICATION NO. 11521 OF 2017

IN FIRST APPEAL NO. 3950 OF 2017

SOPAN NIVRUTTI AIWALE

VERSUS

UNION OF INDIA, THR DY. CHIEF ENGINEER (CONSTRUCTION),
CENTRAL RAILWAY, SOLAPUR

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Advocate for Appellant : Mr. Mahesh S. Patil

AGP for Respondent State: Mr. A. M. Phule

Advocate for Respondent No.1 : Mr. Navandar Manish N.

CORAM : K. L. WADANE, J.

DATE : 4th October, 2017

ORDER:

1. Learned counsel agree upon that the order passed on 15-03-2013 in civil applications no. 2093 of 2013 and 2094 in first appeals (stamp) no. 2247 of 2012 and 2246 of 2012 is in respect of the same project and the same award.

2. Looking at aforesaid, I deem it appropriate for the reasons which have been referred to in the application, to pass the same order as appearing in paragraph 3 of said order with due variations required.

3. Accordingly, civil applications are allowed and disposed of by passing following order.

(A) The applicants are allowed to withdraw 25 per cent of the amount deposited, on submitting an undertaking to the reference court that in the event the applicants are directed to re-deposit the amount, they would re-deposit the amount before the reference court within a period of one month from the date of decision in the appeal.

(B) The applicants are also allowed to withdraw 25 per cent of the amount deposited on furnishing solvent security of like amount to the reference court.

(C) The applicants are further allowed to withdraw 25 per cent of the amount deposited on furnishing bank guarantee which shall be alive throughout the life of the first appeal.

(D) The remaining 25 per cent of the amount be kept in a fixed deposit in a nationalized bank earning highest interest.

(K. L. WADANE, J.)

JPC