

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

WRIT PETITION NO. 12750 OF 2017

THE EXECUTIVE ENGINEER MINOR IRRIGATION
DEPARTMENT Z.P.BEED

VERSUS

BHARAT EKNATH WALEKAR AND OTHERS

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Advocate for Petitioner : Mr Aghav Avinash D

AGP for Respondents: Mr N T Bhagat

Advocate for Respondents : Mr Bide Dnyaneshwar A For
R/1 To 7,9,10

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CORAM : V.K. JADHAV, J.

Dated: November 06, 2017

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PER COURT :-

1. I do not find any substance in this writ petition. As per the judgment and award passed in L.A.R. No.406/2013, the liability of the opponent is joint and several as determined by the reference court. Learned counsel for respondent-decree holder has further pointed out that, pursuant to the order of the seizure of the bank account and further directions in connection thereto, the Branch Manager of State Bank of Hyderabad has deposited the amount to the extent of decretal amount before the executing court.

2. Learned counsel for the petitioner submits that, executing court has not yet permitted the respondents-original claimants to withdraw the said amount. Learned counsel submits that, the petitioner is liable to pay the amount to the extent of 50% as awarded by the reference court. Since respondent-original decree holder have not withdrawn the said amount, the petitioner is at liberty to file an application before the executing court to that effect and the executing court may decide said application on its own merits in accordance with the law. Writ petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

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