

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

39 CIVIL APPLICATION NO. 12748 OF 2017
IN FA/2735 /2015

KHASHERAO HAUSABAL WAMAN (DIED) THROUGH LRS BABAN AND
ORS.

VERSUS

THE EXECUTIVE ENGINEER, URDHAVA PRAVARA CANAL DIVISION,
GHULEWADI AND ANOTHER

WITH

39 CIVIL APPLICATION NO.12755 OF 2017
IN FA/2730/2015

CHHABBAI RAMBHAU SURVE (DIED) THROUGH LRS. ASHOK AND
ORS.

VERSUS

THE EXECUTIVE ENGINEER, URDHAVA PRAVARA CANAL DIVISION,
GHULEWADI AND ANOTHER

WITH

39 CIVIL APPLICATION NO.12756 OF 2017
IN FA/2740/2015

BHIMRAJ HAUSABAL SURVE (DIED) THROUGH LRS BHIVAJI AND
ORS

VERSUS

THE EXECUTIVE ENGINEER, URDHAVA PRAVARA CANAL DIVISION,
GHULEWADI AND ANOTHER

Advocate for Applicants : Mr. Bide Dnyaneshwar A

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

Advocate for Respondent No.1 : Mr. A. N. Gaddime

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. These civil applications are filed for permission to withdraw the amount deposited by the acquiring body. Both the sides are heard.

2. Learned counsel for the acquiring body has objection. He submits that the sale instance was not

comparable as it was not of the date previous to the date of notification. This Court has gone through the judgment and Award and reasoning given by the Reference Court. This Court holds that permission can be granted to withdraw 75% amount after giving undertaking and remaining 25% amount after giving solvent surety in that regard. In those terms, all the applications are allowed and disposed of.

3. Amount to be sent to the Reference Court where the execution proceedings are filed.

(K. L. WADANE, J.)

JPC