

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 CIVIL APPLICATION NO. 3062 OF 2017
IN FA/1885/2012 WITH FA/1883/2012 WITH FA/1884/2012

MADHAV DHONDIBA KSHATRIYA
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Chincholkar G.n.
AGP for Respondents: Mr. B.V. Virdhe
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CORAM : V. K. JADHAV, J.
DATED : 3rd MARCH, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the applicant submits that though the respondents have deposited entire amount before the executing Court, the executing court has rejected the application filed by the applicant for withdrawal of amount on the ground that the appeal is pending against the judgment and award passed by the Reference Court. Learned counsel submits that ,in fact, the State/acquiring body has not preferred any appeal against the judgment and award passed by the Reference Court and the applicant original claimant has preferred the appeal.
3. In view of above submissions, the applicant is permitted to withdraw the amount deposited by the State before the executing Court. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)