

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

19 CIVIL APPLICATION NO. 13833 OF 2017
IN FA/2386/2014

KONDIBA LAXMAN BARSale
VERSUS
THE EX. ENGINEER, LOWER DUDHNA PROJECT, SELU NOW EX.
ENGINEER, JALNA IRRIGATION D

Advocate for Applicant : Mr. Deepak M. Kakade
Advocate for Respondent No. 1 : Mr. V.M. Lomte
AGP for Respondent No. 2 : Mr. S.S. Dande

**
WITH CA/13834/2017 IN FA/2387/2014
WITH CA/13835/2017 IN FA/2391/2014
WITH CA/13836/2017 IN FA/2390/2014
WITH CA/13838/2017 IN FA/2388/2014
WITH CA/13839/2017 IN FA/2385/2014

CORAM : K.K. SONAWANE, J.

DATED : 20th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants-original claimants as well as learned counsel for respondent-Acquiring Body and learned AGP for respondent -State Authorities.
2. Admittedly, the appeals came to be withdrawn by respondent-Acquiring Body as per order of this Court dated 13-10-2017. Initially, claimants were allowed to withdraw 50% of the amount deposited on behalf of Acquiring Body on furnishing undertaking and 25% allowed to be withdrawn on furnishing bank guarantee of Nationalized Bank and rest of the 25% was kept in FDR account till decision of the appeals on merit.
3. As referred supra the proceeding of all appeals are disposed of at the instance of appellant-Acquiring Body and not survived for judicial process. There would not be dispute remained subjudice before this Court in regard to determination of market value of the land under

acquisition. Therefore, there is no impediment to allow the applicants for withdrawal of amount lying in this court deposited by Acquiring Body. Moreover, the Bank guarantee furnished earlier on behalf of the claimants for withdrawal of 25% amount is also required to be released as prayed.

4. Accordingly, applications stand allowed in terms of prayer clause "B". The rest of amount remained to be paid to applicants-original claimants in the appeals are hereby allowed to be withdrawn by the claimants. The Bank guarantee furnished earlier for withdrawal of 25% of the decretal amount also stands released. The Registry to do the needful for compliance of order.

5. Accordingly, civil applications stand disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK