

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

CIVIL APPLICATION NO. 14781 OF 2017

IN

FA/3093/2017

WITH CA/14783/2017 IN FA/3090/2017

WITH CA/14784/2017 IN FA/3094/2017

WITH CA/14785/2017 IN FA/3091/2017

WITH CA/14786/2017 IN FA/3089/2017

WITH CA/14787/2017 IN FA/3088/2017

INDIRABAI PRALHAD MEHTRE (DEAD) THR LRS SHIVAJI

AND ANR

VERSUS

THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND ORS

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Advocate for Applicants : Mr. Murge Estling S.

Advocate for Respondent no.1 : Mr. S.G.Karlekar

AGP for Respondent no.2 : Mr. B.A.Shinde

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CORAM : K.L.WADANE, J.

DATED : 12th December, 2017

O R D E R :

Heard learned counsel for both sides.

2. Learned counsel appearing for the acquiring body submits that stay to the execution and operation of the impugned award was granted on the condition that the appellants shall deposit 60 per cent amount of total compensation. Accordingly, such amount of compensation is

deposited in this Court.

3. Learned counsel appearing for the applicants submits that in similar matters arising out of the same execution proceedings and the Land Acquisition References, this Court while disposing of Civil Application No. 13575 of 2017 in First Appeal St. No. 12567 of 2016 together with connected matters allowed the claimants/applicants to withdraw 90 per cent amount of compensation out of 60 per cent of total compensation amount.

4. Learned counsel for the applicants prays similar relief in these matters also.

5. In view of above, Civil Applications are allowed. The applicants are permitted to withdraw 90 per cent amount of compensation out of 60 per cent amount of total compensation deposited in this Court, on the condition that in case adverse orders are passed by this Court against the applicants, then the applicants will re-deposit

said amount in this Court within a period of 12 weeks from the date of such order. The remaining 10 per cent amount of compensation be deposited in fixed deposit in any nationalized bank for a period of two years or as per the directions of this Court till the decision of appeals.

6. Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm