

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15996 OF 2016
IN FA/3219/2016

NANABHAU BHIMRAO MASKE AND ORS
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PRAKALP SELU AND
ORS

...
Advocate for Applicants : Mr. Bhise Vitthal D
Advocate for Respondents: Mr. A.B. Kale
AGP for Respondents : Mr. A.M. Phule

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CORAM : V. K. JADHAV, J.
DATED : 6th JANUARY, 2017

PER COURT:-

1. Learned counsel for the applicants submits that in connected matters, this Court has allowed the claimants to withdraw 75% of the amount deposited in this Court, on furnishing an undertaking.
2. Learned counsel for the respondent acquiring body has strongly resisted the application on the ground that the Reference Court has awarded huge amount of compensation without any basis and therefore, the applicants may not be permitted to withdraw the amount as directed by this Court in connected matters.
3. I do not find any substance in the submissions made on behalf of the respondent acquiring body. The claimants in connected

matters are permitted to withdraw the amount on certain conditions and same conditions the applicants are permitted to withdraw the amount.

4,. In view of this, civil application for withdrawal of amount is partly allowed. The applicants are permitted to withdraw 75% of amount deposited in this Court, subject to furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and remaining 25% of the amount shall be kept in fixed deposit in any Nationalized Bank, initially for a period of two years and thereafter as per the direction given by this Court, if the appeal remains pending. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

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