

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO. 1089 OF 2017
IN FAST/28755/2015 WITH CA/12611/2015 IN FAST/28755/2015 WITH
CA/12612/2015 IN FAST/28755/2015

LAXMAN KERBA SAHAJRAO DIED THR HIS LRS ABHAIBAI AND
OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MAJALGAON KALWA, DIVISION NO.10,
PARBHANI AND OTHERS

...
Advocate for Applicants : Mr. Tungar Nikhilesh K.
AGP for Respondent No.2: Mr. P.G. Borade
Advocate for Respondent No.1 : Mr. R.C. Patil
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CORAM : V. K. JADHAV, J.
DATED : 23rd JUNE, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the respondent acquiring body has no objection if the applicants are permitted to withdraw the amount on furnishing undertaking to the extent of 75% amount, out of the amount deposited in this Court.
3. In view of above and for the reasons stated in the civil application, the applicants are permitted to withdraw 75% amount out of the amount deposited in this Court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. Civil application is disposed of. Remaining amount shall be invested in any nationalized

bank initially for a period of three years and the fixed deposits be renewed thereafter from time to time till disposal of appeal.

4. In so far as the civil application of stay is concerned, the learned counsel of the applicant acquiring body submits that the entire amount as per the award has been deposited in this Court. In view of the above, during pendency of first appeal, there shall be stay to the impugned judgment and award. Civil application for stay is disposed of.

5. Civil application for delay is concerned, heard learned counsel for the respective parties. For the reasons stated in the civil application, delay of 307 days caused in filing the first appeal is hereby condoned. Civil application is allowed and disposed of.

6. In first appeal, issue notice to the respondents, returnable on 04.08.2017.

7. Learned counsel waives notice of respondents-claimants and learned A.G.P. waives notice for respondent State and authority. Call for record and proceedings.

(V. K. JADHAV, J.)

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