

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO.5070 OF 2017
IN FAST/36567/2016 WITH CA/16341/2016 IN
FAST/36567/2016 WITH CA/16342/2016 IN
FAST/36567/2016

LALASAHEB DADASAHEB DESHMUKH DIED THR LRS SUNITA
AND ORS
VERSUS
GODAWARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THR THE EXECUTIVE ENGINEER

...

Advocate for Applicants : Mr. Deshmukh Ramraje A.

(V P Not Filed For A Nos. 1b & 1d)

Mr. SM Ganachari, AGP for Respondent No.2:

Smt. Bharashwadkar Patil For R/1

CORAM : P.R.BORA, J.

DATE : 12th June, 2017.

PER COURT :

. Heard learned Counsel for the applicants
and learned Counsel for the acquiring body.

2) Having regard to the grounds of
objections raised in exception to the impugned
Award and the averments in the application for
withdrawal of the amount, I deem it appropriate
to pass the following order,

ORDER

i) The applicants are presently permitted to withdraw 50% of the deposited amount by the acquiring body in this Court on submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four weeks of passing such order;

ii) Balance 50% amount be invested in Fixed Deposit Receipt of any Nationalized Bank, initially for a period of two years and if so required for further period till disposal of the appeal;

iii) Civil Application for withdrawal of the amount stands disposed of in above terms.

3) Heard the learned Counsel for the parties on CA for condonation of delay. Delay of 125 days has caused in filing the present appeal by the acquiring body.

4) Learned Counsel appearing for the original claimant/s has opposed for condoning the

delay stating that the reasons as are assigned are insufficient to condone the delay. However, having regard to the averments in paras 2 and 3 of the application, which according to me are just and sufficient, the delay stands condoned. The appeal be registered in accordance with law.

5) On registration of the appeal, issue notice to the respondents. Learned Counsel and learned AGP waive service for respective respondents.

6) In view of the fact that the acquiring body has deposited the entire amount of compensation as was directed by this Court. the interim stay granted on 19th December, 2016 is made absolute. CA for stay stands disposed of.

7) Call R and P.

8) Place the matter for final disposal at admission stage on 10th July, 2017.

(P.R.BORA,J.)

bdv/