

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

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**44 CIVIL APPLICATION NO. 1794 OF 2018
IN FA/858/2018**

NAGINBAI DATTATRAY DESHPANDE AND ORS
VERSUS
THE STATE OF MAHARSHTRA AND ANR

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Mr. Sudhir V. Kulkarni, Advocate for Applicants
Mr. A.D. Namde, AGP for respondent - State

...

WITH CA/1795/2018 IN FA/859/2018

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 2nd APRIL, 2018.

Order :-

1. Learned counsel for applicants states that present first appeals are from group of first appeal No. 16958 of 2011 and connected applications. He refers to that lands of the applicants are acquired for same project under same notification and of same quality as involved in First appeal stamp No. 16958 of 2011. He further refers to that under order dated 08-01-2018 in civil application No. 200 of 2018 in first appeal No. 16958 of 2011 the applicants-therein have been allowed to withdraw 50% of the amount deposited on furnishing undertaking that, withdrawal shall abide by final orders in the appeal. Undertaking had been directed to be shown to learned AGP for appellant-State before submitting it to registry. The copy of the same was

also directed to be placed before the reference court where money is deposited. Further, investment of balance amount in a nationalized bank has been directed. He, therefore, requests for similar orders be passed in the matter.

2. Learned AGP on instructions states that present matters may be left out from the group of matters referred to by applicants. As such, the applicants-original claimants are permitted to withdraw 50% of the amount deposited by filing undertaking in this court to the effect that withdrawal shall abide by final orders in the appeal. A copy of undertaking be furnished to learned AGP before submitting the same in the Registry. The copy of the same be placed before the reference court where amount is stated to have been deposited. Reference court would invest balance amount in a nationalized bank.

3. Civil applications are allowed in aforesaid terms and stand disposed of.

[SUNIL P. DESHMUKH]
JUDGE

MTK.