

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

CIVIL APPLICATION NO. 5643 OF 2018
IN CIVIL APPLICATION NO. 1188 OF 2018
IN REJECTED CASE NO. 1429 OF 2013
IN FIRST APPEAL ST.NO. 13961 OF 2013

Subhash Marotirao Jagdhane

Versus

The Executive Engineer, Minor Irrigation Division, Jalna and others

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CA/5644/2018 IN CA/1189/18 IN RC/1431/2013 IN FAST/13955/13
CA/5645/2018 IN CA/1190/18 IN RC/1428/2013 IN FAST/13967/13
CA/5646/2018 IN CA/1187/18 IN RC/1425/2013 IN FAST/13404/13
CA/6803/2018 IN CA/1049/2018 IN FA/1077/2015

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Advocate for applicants : Mr. Ajeet B. Kale

Advocate for respondents No. 1 and 2: Mr. R.B.Deshmukh

Advocate for respondent No. 3: Mr. S.P. Sonpawale

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CORAM : A.M. DHAVAL, J.

DATED : 9th AUGUST, 2018.

Order :-

1. Heard learned Advocate for the parties.
2. The learned Reference Court has enhanced compensation for acquired lands from Rs.575/- to Rs.800/- per R. The Acquiring Body has preferred the appeals along with application for condonation of more than 1000 days delay.
3. In the said application on 06-09-2013 there was direction that Bhatta to be paid within two weeks from today, failing which the matter would stand dismissed as against respondent/s for whose notice Bhatta is not paid without further reference to the Court. Since the order was not complied the matters stood dismissed. Then the applications for restoration of the appeals alongwith application for condonation were filed. By order dated 10-01-2014, the delay was condoned and civil

applications were restored by setting aside the order passed by the learned Registrar (Judicial) and in each of the civil applications the appellant was directed to deposit Rs.1000/- with High Court Legal Services Sub-Committee, at Aurangabad within fifteen days. There was no specific order whether it was condition precedent for restoration of order or not. Since then no steps were taken for paying Bhatta or depositing the amount of Rs.1000/- with High Court Legal Services Sub-Committee, at Aurangabad, therefore, matters came to be rejected for non compliance of the order.

4. The original claimants have filed the applications for withdrawal of the amount.

5. After hearing learned counsel for the parties and going through the papers, I find that this is fit case for withdrawal of the amount. Accordingly, the applications for withdrawal of the amount are allowed. Hence, I permit the applicants to withdraw 75% of the amount on furnishing undertaking and 25% amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. The solvent surety/security shall remain in force for a period of two months. If no steps are taken for restoration of the matters, solvent surety/security shall stand discharged. If steps are taken to restore the matters, the solvent surety/security shall stand continued till disposal of the appeals.

6. The civil applications stand disposed of accordingly.

Sd/-

[A.M. DHAVAL]
JUDGE

MTK.