

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

906 CIVIL APPLICATION NO. 4402 OF 2018
IN
FIRST APPEAL NO. 1967 OF 2016

YUNUS BABAMIYA MOMIN
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

WITH

906 CIVIL APPLICATION NO. 4403 OF 2018
IN
FIRST APPEAL NO. 1968 OF 2016

SUKHDEV BHUJANGRAO MHASKE
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

WITH

906 CIVIL APPLICATION NO. 4404 OF 2018
IN
FIRST APPEAL NO. 1966 OF 2016

BHAGABAI PREMRAO MHASKE
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

WITH

906 CIVIL APPLICATION NO. 4405 OF 2018
IN
FIRST APPEAL NO. 1965 OF 2016

SUBHASH SHESHRAO MOTE DIED THR
RUKHMANIBAI SUBHASH MOTE
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

WITH

906 CIVIL APPLICATION NO. 4406 OF 2018
IN
FIRST APPEAL NO. 1964 OF 2016

MAHADEV GYANBA MHASKE
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

WITH

906 CIVIL APPLICATION NO. 4407 OF 2018
IN
FIRST APPEAL NO. 1963 OF 2016

DEVIDAS APPARAO BAHEKAR
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SAILU AND OTHERS

.....
Advocate for Applicants : Mr. Gaware Niteen V.
Advocate for Respondents : Mr. Ruturaj C. Patil.
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CORAM : V.L. ACHLIYA, J.

DATED : 25th JULY, 2018

PER COURT:-

1. The applicants have filed these applications seeking withdrawal of amount deposited by the appellant – acquiring body.
2. Heard the learned counsel for the applicants and respondent – acquiring body. Perused the order dated 03.05.2016.
3. By an order dated 03.05.2016 passed by this Court Coram : P.R. Bora, J.), the applicants were permitted to withdraw the amount to the extent of 50% of the amount deposited by the acquiring body on furnishing undertaking in terms of the order and balance of amount of 50% directed to be deposited in a fixed deposit till disposal of the appeals. The present applications are filed to withdraw the 50% amount invested in fixed deposit.

4. Learned counsel for the applicants submits that applicants are the poor agriculturists and acquisition of land by the appellant – acquiring body has made them landless. It is submitted that applicants are ready to furnish an understanding that in the event the impugned judgment and award is set aside or modified, the applicants shall deposit the amount in terms of the order to be passed in the appeals.

5. On due consideration of the submissions advanced in the light of reasons assigned for seeking further withdrawal of the amount, I am of the view that no case is made out to entertain the applications seeking further withdrawal of amount.

6. Applications are rejected.

(V.L. ACHLIYA)
JUDGE

SPR