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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4410 OF 2018
IN
FIRST APPEAL NO.2458 OF 2010

Sadashiv Punamchand Gopal APPLICANT
VERSUS
The Collector, Jalgaon and Others RESPONDENTS

WITH
CIVIL APPLICATION NO. 4411 OF 2018
IN
FIRST APPEAL NO.2459 OF 2010

Rupchand Hiranman Gopal APPLICANT
VERSUS
The Collector, Jalgaon and Others RESPONDENTS

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Mr. Vijay Y. Patil, Advocate for the applicants
Mr. S. P. Deshmukh, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th APRIL, 2018

ORDER :

1. Heard learned advocates for the parties.
2. These are applications moved for withdrawal of amount with accrued interest that had been assumed to be deposited in this court pursuant to communication dated 31st March, 2016 annexed to the applications at page 25. However, it transpires that albeit seemingly there is such communication, as a matter of fact, learned advocates are at *ad idem* that no such amount

had ever been deposited by the appellant.

3. In the circumstances, learned advocate for the applicants submits that since this communication is being referred to during execution proceedings, the communication has been creating hindrance in the prosecution of the same.

4. Having regard to aforesaid submissions on behalf of the applicants as well as learned AGP, it emerges that on checking up the position by the parties concerned, learned advocates for the parties are *ad idem* that no deposit pursuant to communication dated 31st March, 2016 had ever been made in the present first appeals. As such, execution proceedings may not be impeded on this count.

5. Civil applications, accordingly stand disposed of.

[SUNIL P. DESHMUKH, J.]