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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11888 OF 2017
IN
FIRST APPEAL NO.2263 OF 2014

Nivarati Bapurao Mehtre (Died) LRs and Others APPLICANTS
VERSUS

The State of Maharashtra and Others RESPONDENTS

WITH
CIVIL APPLICATION NO. 11889 OF 2017
IN
FIRST APPEAL NO.2260 OF 2014

Raghunath Bapurao Mehtre APPLICANT
VERSUS

The State of Maharashtra and Others RESPONDENTS

WITH
CIVIL APPLICATION NO. 11890 OF 2017
IN
FIRST APPEAL NO.2262 OF 2014

Laxmibai Prabhuappa Nigudge (Died) LRs and Ors APPLICANTS
VERSUS

The State of Maharashtra and Others RESPONDENTS

.....
Mr. Mahesh S. Patil, Advocate for the applicants
Mr. S. N. Kendre, AGP for respondent - State
.....

[CORAM : SUNIL P. DESHMUKH AND
K. K. SONAWANE, JJ.]

DATE : 31st OCTOBER, 2018

ORDER :

1. Heard learned advocates for the parties.

2. These applications have been moved for modification of order dated 16th September, 2015 passed by this court in civil applications No. 11410 of 2015, 11414 of 2015 and 11416 of 2015, wherein applicants were allowed to withdraw 50% of the amount deposited, subject to conditions that from said 50% amount, half of the amount be withdrawn on furnishing security and rest of the amount be withdrawn on furnishing bank guarantee. Said order had been taken to the Apex Court and the Apex Court has in its order dated 8th February, 2016 has observed as follows:

“Delay condoned.

The limited grievance of the petitioners is only with respect to the withdraw of 50% of the amount deposited by the respondents before the High Court.

The learned counsel for the petitioners have invited our attention to various orders passed by this Court in several appeals whereby this Court has permitted withdrawal of 50% amount of the compensation without security and the balance 50% amount on furnishing security. The petitioners may point out this to the High Court and we request the High Court to take note of the orders passed by this Court and pass fresh order in accordance with law.

Needless to say that the orders already passed by the High Court shall not stand in the way of the High Court in passing fresh orders in the petitioners.

The special leave petitions stand disposed of.

Interlocutory applications pending, if any, stand dispensed of accordingly.”

3. Having regard to aforesaid, half of rest of the amount deposited in this court towards acquisition of lands of the applicants is allowed to be withdrawn on furnishing solvent security / surety and further half of the amount on furnishing the undertaking as referred to in the order dated 16th September, 2015.

4. Civil applications stand disposed of.

[K. K. SONAWANE, J.]

[SUNIL P. DESHMUKH, J.]

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