

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

**CIVIL APPLICATION NO. 5424 OF 2018
IN
FIRST APPEAL NO. 2028 OF 2015**

Nagesh Kanyalal Bhutada .. Applicant
Versus
The Executive Engineer Latur Minor
Irrigation Division, Latur undertaking
GMIDC Aurangabad and others .. Respondents

**WITH
CIVIL APPLICATION NO. 5427 OF 2018
IN
FIRST APPEAL NO. 2029 OF 2015**

Lilabai Jagannath Baheti .. Applicant
Versus
The Executive Engineer Latur Minor
Irrigation Division, Latur undertaking
GMIDC Aurangabad and others .. Respondents

Shri Ajeet B. Kale, Advocate for the Applicant in both matters.
Shri B. R. Surwase, Advocate for the Respondent No. 1 in both matters.
Shri P. G. Borade, A.G.P. for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 20TH APRIL, 2018.**

FINAL ORDER :

. The learned counsel for the applicant and the learned

counsel for the acquiring body submit that there are about forty matters arising out of the same acquisition proceedings. Nine matters are before the Division Bench of this Court and remaining matters are before the learned Single Judge. In all the matters the claimants are allowed to withdraw the entire amount on furnishing an undertaking to this Court.

2. It is submitted that, in the present matters also, the learned Single Judge has allowed withdrawal of entire amount under order dated 19th December, 2017, however, as the matters lie before the Division Bench, the same are moved before this Court.

3. Considering submissions made by learned counsel for respective parties that in other matters arising out of same acquisition proceedings entire amount is allowed to withdraw, we follow the same course.

4. The applicants are allowed to withdraw amount deposited by the non applicants on furnishing an undertaking to the Executing Court that in the event the applicants are directed to deposit the amount, they shall deposit the same within one month. The civil applications are disposed of.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18