

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

86 CIVIL APPLICATION NO. 6229 OF 2018
IN FA/2114/2014 WITH CA/4271/2014 IN FA/2114/2014

SURESH NAGAPPA AMBARKHANE AND ANR

VERSUS

THE EXECUTIVE ENGINEER, CONSTRUCTION AND REPAIRS
DIVISION, M.S.E.B. , OSMANABAD A

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Advocate for Applicants : Mr. HB Nandgavale, Adv.
h/for Mr. Sakolkar Vijay G.

Mr. Dhananjay P. Deshpande, Adv. For Resp.No.1;
Mrs. SS Raut, AGP for Respondent No.2.

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CORAM : P.R. BORA, J.

DATED : 24th SEPTEMBER, 2018.

PER COURT:-

1. Heard. The applicants, by this application, have prayed for withdrawal of remaining 2/3rd amount.

2. Shri Deshpande, learned counsel appearing for the acquiring body has strongly opposed for allowing withdrawal of the amount. The learned counsel pointed out that the Division Bench, vide order passed on 3rd December, 2014, had permitted the applicants to withdraw only 1/3rd of the total amount and the balance amount was directed to be invested in Fixed Deposit Receipt. The learned counsel further submitted that the aforesaid order was challenged by the applicants by filing SLP before the Hon'ble Apex Court. However, the Hon'ble Apex Court, vide order passed on 17th August, 2015, rejected the SLP so filed by the applicants with liberty to the applicants to move

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this Court for early hearing of the appeals. The learned counsel further pointed out that thereafter one civil application was preferred again seeking withdrawal of the amount and the same was rejected by this Court (Coram: V.K.Jadhav,J.) vide order passed on 9th March, 2016. The learned counsel submitted that instead of making an application for early hearing of the appeal, the applicants are repeatedly filing the applications for withdrawal of the amount. The learned counsel, therefore, prayed for rejecting the application.

3. In view of the orders referred to herein above, there appears no merit in the present application. The application, therefore, stands rejected.

4. In view of the fact that the acquiring body has deposited the entire amount of compensation, the interim stay granted by this Court on 6th May, 2014 is made absolute. CA for stay stands disposed of.

(P.R. BORA)
JUDGE

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