

(1)

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

**CIVIL APPLICATION NO.7911 OF 2018
IN
FIRST APPEAL NO.669 OF 2018
WITH
CIVIL APPLICATION NO.7913 OF 2018
IN
FIRST APPEAL NO.3387 OF 2016
WITH
CIVIL APPLICATION NO.7915 OF 2018
IN
FIRST APPEAL NO.668 OF 2018
WITH
CIVIL APPLICATION NO.7917 OF 2018
IN
FIRST APPEAL NO.3388 OF 2016**

Sow. Vijaya w/o Ujjwalshinh Raje,
Age: 53 years, Occu: Household
& ors

..APPLICANTS

VERSUS

Godawari Marathwada Irrigation
Development Corporation,
Through its: Executive Engineer,
Lift Irrigation Division,
Osmanabad, Dist. Osmanabad & ors. ..RESPONDENTS

Mr V. V. Ingale, Advocate for applicants;
Mrs Kalpalata Patil Bharaswadkar, Advocate for
respondent No.1;
Mr A. S. Shinde, A.G.P. for respondent/State;
Mr V. R. Dhorde, Advocate for respondent No.4

**WITH
CIVIL APPLICATION NO.7912 OF 2018
IN
FIRST APPEAL NO.669 OF 2018
WITH
CIVIL APPLICATION NO.7914 OF 2018**

(2)

**IN
FIRST APPEAL NO.3387 OF 2016**

Ajitsinh Sahebrao Raje (Nimbalkar)
Age: 52 years, Occu: Agril.,
R/o Ganesh Nagar, Solapur Road,
Osmanabad

..APPLICANTS

VERSUS

Godawari Marathwada Irrigation
Development Corporation,
Through its: Executive Engineer,
Lift Irrigation Division,
Osmanabad, Dist. Osmanabad & ors.

..RESPONDENTS

Mr V. R. Dhorde, Advocate for applicant;
Mrs Kalpalata Patil Bharaswadkar, Advocate for
respondent No.1;
Mr A. S. Shinde, A.G.P. for respondent Nos.2 & 3

WITH
CIVIL APPLICATION NO.7916 OF 2018
IN
FIRST APPEAL NO.668 OF 2018
WITH
CIVIL APPLICATION NO.7918 OF 2018
IN
FIRST APPEAL NO.3388 OF 2016

Venkatesh s/o Sahebrao Raje (Nimbalkar)
Age: 48 years, Occu: Agril.,
R/o Khaja Nagar, Solapur Road,
Osmanabad, Tq. & Dist. Osmanabad

..APPLICANT

VERSUS

Godawari Marathwada Irrigation
Development Corporation,
Through its: Executive Engineer,
Lift Irrigation Division,
Osmanabad, Dist. Osmanabad & ors.

..RESPONDENTS

(3)

Mr V. R. Dhorde, Advocate for applicant;
Mrs Kalpalata Patil Bharaswadkar, Advocate for
respondent No.1;
Mr A. S. Shinde, A.G.P. for respondent Nos.2 & 3

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 31st JULY, 2018

ORAL ORDER :

By way of present applications, the applicants pray for withdrawal of the amount deposited in this Court by the appellant in compliance of the order of this Court.

2. Learned Counsel appearing for the respective parties admit that this Court directed the acquiring body to deposit 50% of the amount of the enhanced amount of compensation.

3. Learned Counsel appearing for respondent No.1 Godawari Marathwada Irrigation Development Corporation, Osmanabad invited our attention to the order of the Division Bench of this Court dated 6th April, 2018, copy of which, is placed on record and marked 'X' for identification.

(4)

4. Perused the above referred order of the Division Bench of this Court. We see no reason to take a different view than the view taken by the Division Bench of this Court while allowing the applications partly and disposing of the same. As such, we pass the following order :

(I) Out of the total amount deposited in this Court by the non-applicant, the applicants are allowed to withdraw 25% of the amount on giving undertaking to this Court that in the event the applicants are directed to deposit the amount, the applicants would deposit the amount in one month.

(II) The applicants are further allowed to withdraw 25% of the amount deposited on furnishing solvent surety of the like amount.

(III) The applicants are further allowed to withdraw 25% of the amount deposited on furnishing the bank guarantee of nationalized or scheduled bank.

(5)

(IV) The remaining 25% of the amount be kept in fixed deposit in any nationalized bank.

5. The civil applications are disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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