

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

**915 CIVIL APPLICATION NO. 12663 OF 2018
IN FA/1539/2018 WITH CA/16164/2016 IN FA/1539/2018**

**JANARDHAN LAXMAN TAYDE AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION, DIVISION
NO.1 AURANGABAD AND ANR**

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**Shri M.R. Malpani, Advocate, h/f. Shri A.M. Hajare,
Advocate for the Applicants;
Smt R.D. Reddy, Advocate for Respondents No.1 & 2**

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WITH

**916 CIVIL APPLICATION NO. 12664 OF 2018
IN FA/1556/2018 WITH CA/16168/2016 IN FA/1556/2018**

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**917 CIVIL APPLICATION NO. 12665 OF 2018
IN FA/1538/2018 WITH CA/16166/2016 IN FA/1538/2018**

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**919 CIVIL APPLICATION NO. 12698 OF 2018
IN FA/1739/2018 WITH CA/16225/2016 IN FA/1739/2018**

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**920 CIVIL APPLICATION NO. 12700 OF 2018
IN FA/1738/2018**

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**921 CIVIL APPLICATION NO. 12701 OF 2018
IN FA/1737/2018 WITH CA/16223/2016 IN FA/1737/2018**

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CORAM : PR. BORA, J.

Dated: October 11, 2018

PER COURT :

1. Heard the learned Counsel appearing for the applicants and the learned Counsel appearing for the respondents.

2. The learned Counsel for the applicants pointed out that, in similar matters arising out of the same acquisition this Court has permitted the applicants therein to withdraw 60% of the deposited amount and has directed the remaining 40% amount to be invested in Fixed Deposit Receipt till decision of the said appeals. Learned Counsel has tendered across the bar the order passed by this Court in First Appeal No.301 of 2016 and the order passed by another Ld. Single Judge of this Court (**Coram: Shri K.L. Wadane, J.**) in Civil Application No.11668 of 2017. The orders passed earlier by this Court reveal that, the applicants therein were permitted to withdraw 60% of the deposited amount. I do not see any reason for taking any different view though the learned Counsel Smt Reddy has opposed for permitting such withdrawal. According to Smt Reddy more than 40% amount cannot be permitted to be

withdrawn.

3. In view of the submissions so made, the following order is passed.

ORDER

(i) The applicants are permitted to withdraw 60% of the deposited amount along with the interest accrued thereon on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(ii) Balance 40% of the amount along with the interest accrued thereon be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.

(iii) Civil Applications for withdrawal of amount stand partly allowed and disposed of.

(**PR. BORA, J.**)