

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3407 OF 2017
IN FAST/25355/2013

GANGADHAR VITHOBA BORADE
VERSUS
THE EXECUTIVE ENGINEER URDHA PRAVARA DHARAN VIBHAG
SANGAMNER AND ANR.

WITH
CA/3726/2018 IN FAST/6036/2014 ; CA/3732/2018 IN FAST/25637/2013
CA/3724/2018 IN FA/4065/2017 ; CA/3725/2018 IN FA/4065/2017
CA/3723/2018 IN FAST/26808/2013; CA/3721/2018 IN FAST/25924/2013
CA/3720/2018 IN FAST/26785/2013 ; CA/3414/2017 IN FAST/25364/2013
CA/3623/2017 IN FAST/6039/2014 ; CA/3727/2018 IN FAST/26790/2013
CA/3622/2017 IN FAST/5992/2014 ; CA/3625/2017 IN FAST/6014/2014
CA/3626/2017 IN FAST/5999/2014 ; CA/9481/2017 IN FAST/6025/2014
CA/9482/2017 IN FAST/6008/2014 ; CA/3624/2017 IN FAST/6029/2014
AND
CA/3627/2017 IN FAST/6033/2014

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Mr. R.L. Kute, Advocate for applicants in all CAs
Mr. P.S. Patil, Advocate for respondent no.1 in all CAs
Mr. S.P. Deshmukh, AGP for respondent no. 2 - State

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 14-03-2018

ORDER :

1. Heard learned counsel for applicants Mr. R.L. Kute, Mr. P.S. Patil, learned counsel for respondent no.1 and Mr. S.P. Deshmukh, learned A.G.P. for respondent no. 2 - State.
2. Learned counsel for appearing parties point out that these are first appeals and applications therein from the same group

bearing first appeal (st.) no. 26811 of 2013 and companion appeals and applications therein. They further point out that under order of this court dated 12-09-2017 passed in civil application bearing no.3409 of 2017 and companion civil applications for withdrawal of amount in those first appeals, withdrawal by the applicants-claimants therein has been allowed.

3. Learned counsel for applicants, therefore, submits present set of applications as well being from the same group of matters, should receive same treatment. Counsel for respondents are not in a position to dispute aforesaid situation.

4. It appears that amounts deposited in this court were directed to be transferred to executing court under order dated 18-02-2016 in civil application no. 135 of 2016 and companion applications and also under order dated 12-09-2017 in civil application no. 3409 of 2017 and companion applications. In view of the same, the amounts pursuant to awards deposited in this court may be transferred to the executing court.

5. Learned counsel tenders across order passed by this court dated 12-09-2013 in civil application no. 3409 of 2017 and companion matters. In those applications, applicants were permitted to withdraw the amount on the same conditions as appearing under order dated 18-02-2016 passed by this court in civil

application no. 135 of 2016 and companion matters arising out of same acquisition proceedings. It appears that the applicants were allowed to withdraw 75% of amount on giving undertaking to the satisfaction of executing court and remaining 25% after giving solvent surety also to the satisfaction of executing court.

6. It would be appropriate to allow present set of applications accordingly. The applicants are permitted to withdraw 75% amount after giving undertaking to the satisfaction of the executing court and the remaining 25% after giving solvent surety to the satisfaction of executing court. In view of aforesaid, undertakings should be to the same effect as had been furnished to the executing court by applicants in civil application no. 3409 of 2017 and companion matters.

7. Civil applications for withdrawal of amount are disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

arp/