

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11909 OF 2017
IN
FIRST APPEAL STAMP NO. 10204 OF 2015

Ashok s/o Hanmant Salunke ...Applicant

Versus

The Maharashtra Krushna Khore Valley
Development Corporation
& others ...Respondents

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Mr. Vivekanand V. Ingale, Advocate for applicant.
Mr. A.M. Gaikwad, Advocate for R/1
Mr. Shashibhushan Deshmukh, AGP for R/ 2.

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[CORAM: SUNIL P. DESHMUKH, J.]
Date: 01st March, 2018

ORDER :

1. Leaned counsel for appearing parties are *ad idem* that present civil application for withdrawal of amount on behalf of claimant deserves similar treatment, as meted out to the claimant while allowing withdrawal of amount in civil application no. 11882 of 2016 in first appeal no. 2163 of 2016 vide order dated 3rd March, 2017, since facts and circumstances involved in said matter and the present matter are similar.

2. Learned counsel for the applicant submits that the land involved in the present matter is also very similar to the land referred to in first appeal no. 2163 of 2016.

3. In view of aforesaid, for the reasons as are appearing in paragraphs no. 1 and 2 of the order dated 3rd March, 2017, reading as under;

“1. Heard learned counsel for the applicant and learned counsel for the acquiring body. Learned counsel for the acquiring body submits that in the pending execution petitions, arise out of the reference petitions decided by the Reference Court, the executing Court has permitted the applicants in those pending execution petitions to withdraw the entire amount deposited by the acquired body. Learned counsel for the acquiring body submits that the applicants herein may also be permitted to withdraw the amount on furnishing undertaking.

2. In view of above submission and fact that in other matters, arising out of the same award, the executing Court has permitted the applicants therein to withdraw the entire amount, the applicant herein is also permitted to withdraw the entire amount on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. “

4. This civil application bearing no. 11909 of 2017, is allowed in the same terms as under order dated 3rd March, 2017. Civil application, accordingly, is allowed and disposed of.

[SUNIL P. DESHMUKH, J.]