

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1147/2018

IN

FIRST APPEAL NO.414/2016

Latabai Shrimant Misal.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

CIVIL APPLICATION NO.1165/2018

IN

FIRST APPEAL NO.415/2016

Shrimant Sakharam Misal.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

CIVIL APPLICATION NO.1185/2018

IN

REJECTED CASE NO.1427/2013

Mangal Kailash Shingare.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

- 2 -

CIVIL APPLICATION NO.1186/2018

IN

REJECTED CASE NO.1426/2013

Kesharbai Balmukund Lohiya.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

CIVIL APPLICATION NO.1187/2018

IN

REJECTED CASE NO.1425/2013

Vishnu Ashok Awaghad & others.

...Applicants..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

CIVIL APPLICATION NO.1188/2018

IN

REJECTED CASE NO.1429/2013

Subhash Marotirao Jagdhane.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

- 3 -

**CIVIL APPLICATION NO.1189/2018
IN
REJECTED CASE NO.1431/2013**

Ram Maroti Jagdhane.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

**CIVIL APPLICATION NO.1190/2018
IN
REJECTED CASE NO.1428/2013**

Pradeep Balaprasad Rathi.

...Applicant..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

=====

Shri P.A. Bhosale, Advocate h/f Shri A.B. Kale, Advocate
for applicants.

Shri S.C. Arora, Advocate for respondent no.1 in CA Nos.
1147/2018 and 1165/2018.

Shri R.B. Deshmukh, Advocate for respondent no.1 in CA
Nos.1185/2018, 1186/2018, 1187/2018, 1188/2018, 1189/2018
and 1190/2018.

Shri A.D. Namde, AGP for respondent no.2.

CORAM: M.S. SONAK, J.

DATE: 30.01.2018

ORDER :

- 4 -

- 1] Heard learned counsel appearing for the parties.
- 2] The learned counsel for the applicants points out that in connected matters, 100% withdrawal is permitted.
- 3] In matters such as these, the orders for withdrawal cannot constitute precedents. The aspects like repayment capacity of the applicants has to be considered. If 100% withdrawal is permitted and thereafter the appeal is allowed, it will become extremely difficult to recover such amount from the applicants. It is generally noticed that after 100% withdrawals are permitted, neither the claimants nor their Advocates take any interest in prosecution of the appeal.
- 4] For the aforesaid reasons, except the Civil Application No.1186/2018 in which there is office note that the amount is not deposited in this Court, all other civil applications for withdrawal of the amount are disposed of by permitting the applicants to withdraw only 50% of the deposited amount by filing an undertaking that such withdrawal will abide by the final orders in the concerned appeals.

(M.S. SONAK, J.)