

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

CIVIL APPLICATION NO. 15376 OF 2017
IN
FIRST APPEAL NO. 3639 OF 2017

Syyad Taleb Sayyad Mahemud ... Applicant

versus

The State of Maharashtra and another ... Respondents

WITH

C.A.NO. 15378 OF 2017 IN FIRST APPEAL NO. 3640 OF 2017

C.A.NO. 15380 OF 2017 IN FIRST APPEAL NO. 3641 OF 2017

C.A.NO. 15379 OF 2017 IN FIRST APPEAL NO. 3638 OF 2017

D.A. Bide, Advocate, h/f Mr. V. B. Wayal, Advocate for applicants
Mr. A. M. Phule, Assistant Government Pleader for respondents

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th April, 2018

ORDER :

1. Heard learned counsel for applicant and learned Assistant Government Pleader for respondents.

2. Learned counsel for applicants refers to order dated 08-12-2017 passed in civil application no. 14932 of 2017 in first appeal no. 3636 of 2017 and companion application and states that present first appeals preferred by acquiring body arise out of common judgment passed in land acquisition references which had been preferred by claimants in respect of same project, same acquisition notification, same award and even the lands are also from same village and very similar tract of lands as concerned in the first appeal bearing no. 3636 of 2017.

3. Learned Assistant Government Pleader finds it difficult to agree but is not in a position to bring forth any distinguishing factor from the one referred to and relied on by applicants, worth significance as on the date.

4. In the circumstances, it would be expedient to give treatment to present application similar to the one given to matters referred to above and pass verbatim order.

5. As such, following order :-

(I) Applicants are permitted to withdraw 50% of deposited amount on submitting an undertaking that in the event of adverse order passed in the appeal, they shall redeposit said amount within a period of 12 weeks from the date of decision in the appeal.

(II) Applicants are allowed to withdraw balance 50% amount on furnishing solvent surety to the satisfaction of Registrar (Judicial) of this Court.

6. Civil applications are accordingly disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd