

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 342 OF 2018
IN FA/5201/2017

SHESHRAO BAJIRAO PATIL AND ORS
VERSUS
THE EX. ENGINEER, VISHNUPURI PROJECT DIV. NANDED NOW LENDI PROJECT
DIV. DEGLOOR,

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Advocate for Applicants : Mr. Rajendra N. Chavan h/f Mr. Sunil V. Kurundkar
Adv. for Respondent No.1: Mr. B.R. Surwase
AGP for Respondent Nos. 2 and 3 : Mr. B.V. Virdhe

CORAM : K.K. SONAWANE, J.

DATE : 9th January, 2018.

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PER COURT:-

1. Heard learned counsel for applicant/s-original claimant/s and learned counsel for respondent No.1- Acquiring Body as well as learned AGP for respondent No. 2 and 3.
2. The learned counsel for the applicants - original claimants submits that, pursuant to order passed by this Court, the respondent -Acquiring Body has deposited the decretal amount in this Court. The learned counsel for applicants submits that applicants be permitted to withdraw the amount. He further added that the amount deposited in this Court be transferred to the Court of Civil Judge Senior Division, Kandhar Link court at Mukhed District Nanded.
3. Learned counsel for respondent-Acquiring Body fairly conceded for suitable order be passed permitting the applicants to withdraw the amount deposited in this Court by transferring the same to the Court of Civil Judge, Senior Division Link court at Mukhed.
4. Considering the nature of subject-matter, I do not find any impediment to allow the applicants-original claimants to withdraw the

amount on certain terms and conditions. Hence, the applications are allowed. The applicants-original claimants are permitted to withdraw 50% of the amount deposited in this court on furnishing undertaking to the satisfaction of Superintendent / Assistant Superintendent (Cash and Finance) of the Court of Civil Judge, Senior Division, Kandhar Link Court at Mukhed to the effect that in case adverse situation, if any, arises after adjudication of the appeal/s in favour of appellant- Acquiring Body, the applicant/s (original claimant/s) would refund the amount forthwith as per order of this Court. The another 25% of the amount deposited be allowed to be withdrawn by the applicants on furnishing one solvent surety of like amount in the Court of Civil Judge, Senior Division, Kandhar Link Court at Mukhed and rest of the 25% balance amount be invested in the Fixed Deposit Receipts Account in Nationalized Bank for a period of two years or till adjudication of the appeals on merit, whichever is earlier. The Registrar (Judicial) of this Court to transmit the requisite compensation amount, accompanied with interest accrued thereon to the Executing Court i.e. Civil Judge, Senior Division, Kandhar Link court at Mukhed, for further process.

5. Accordingly, the applicants-original claimants to comply with the procedural formalities as directed above before the Superintendent / Assistant Superintendent (Cash and Finance) of the Court of Civil Judge, Senior Division, Kandhar Link Court at Mukhed. After due compliance of all procedural formalities, the concerned Court of Civil Judge, Senior Division, Kandhar Link Court at Mukhed to disburse the amount in favour of claimants as directed above and shall forward all the relevant documents to this Court for the sake of appeal.

6. In view of above terms, civil applications stand disposed of accordingly.

**[K.K. SONAWANE]
JUDGE.**

grt/-