

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

**928 CIVIL APPLICATION NO. 76 OF 2018
IN WP/3730/2016**

VIJAYSING NARSING JARWAL

..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ramdas S. Singare, Advocate for the Applicant.

Mr. S. B. Joshi, AGP for Respondent-State.

...

**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 12th OCTOBER, 2018.

PER COURT:-

1. The respondent no.5 was the original applicant alongwith present applicant. We had directed the applicant to make Shamsing as a party respondent. Notice was issued to said Shamsing. Though the notice was served, Shamsingh did not appear nor any one appeared on his behalf. This Court thereafter issued notice of final disposal to Shamsing. Even after service of notice of final disposal, none appears for him.

2. Under order dated 5.10.2017, we have allowed the applicant to withdraw the amount deposited by the non-applicant subject to finalization of the acquisition proceedings. Subsequently, the award has been passed and the

award is passed only in favour of applicant Vijaysing. In the said award no amount of compensation is paid to Shamsing.

3. In light of that in the order dated 05.10.2017 in Civil Application No.4763 of 2017 is modified to the extend that applicant Vijaysing is allowed to withdraw the amount of Rs.1,00,000/- deposited by the State, which certainly has to be adjusted at the time of the payment of final compensation amount.

4. Civil Application is disposed of. No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
Date: 2018.10.16
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