

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO.7013 OF 2019
IN FA/1013/2017

SHANKAR BALIRAM CHALWAD AND ORS
VERSUS
THE CHIEF OFFICER M.H. AND A.D. AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Gundre Suraj V
AGP for Respondents: Mr. B. V. Virdhe

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CORAM : SUNIL P. DESHMUKH & S. M. GAVHANE, JJ.
Date: September 13, 2019

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PER COURT :-

1 Heard learned counsel for the parties.

2 It is not disputed that present first appeal as well is from the same acquisition proceedings which is involved in first appeal no.5137 of 2018. It appears that the subject matter of the application is generally covered by the order in civil application no.11744 of 2018 passed on 24-01-2019.

3 While it is contended that the amount deposited is not the entire amount of award as is considered in the aforesaid order, we deem it appropriate to allow the present application, mutatis mutandis, according to said order.

4 As such, following order:-

ORDER

(I) The applicants are permitted to withdraw 50% of the amount lying deposited on submitting an undertaking to satisfaction of Registrar of this court to the effect that amount being withdrawn would be redeposited if the matter is decided against their interest, and to withdraw remaining 50% from the amount lying deposited by furnishing bank guarantee of a nationalized/scheduled bank or solvent surety of the like amount in this court.

(ii) Balance amount remaining to be deposited from entire award amount be deposited in this court within a period of ten weeks lest, interim relief may cease to operate.

(iii) Upon deposit of balance amount referred to under clause (ii) above, in this court, it shall be invested in fixed deposit of a nationalized bank.

5 Civil application is accordingly disposed of.

(S. M. GAVHANE, J)

(SUNIL P. DESHMUKH, J)