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

**945 CIVIL APPLICATION NO.518 OF 2019
IN FA/957/2018 WITH CA/14926/2016 IN FA/957/2018**

DHONDIRAM @ DHONDIBA BABURAO KAKADE
VERSUS
THE EX. ENGINEER, LOWER DUDHANA PROJECT DIVISION,
SAILU AND ORS

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Advocate for Applicant : Mr. Koralkar Arun H.

AGP for Respondents : Mr. S.J. Salgare

Advocate for Respondent No.1 : Mr. R.C. Patil

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CORAM : P.R. BORA, J.

DATED : 09th JANUARY, 2019.

PER COURT:-

1. Heard the learned counsel for the applicant.

2. It is brought to my notice that in connected matters, this Court has allowed the claimants therein to withdraw 75% of the amount deposited in the Court on furnishing an undertaking. The learned counsel further submitted that in Civil Application No.10304 of 2016 arising out of the connected appeals, this Court has passed the same order. The copy of the said order is tendered across the bar. In view of the above, the following order is passed:

ORDER

1) The Civil Application for withdrawal of amount is allowed. The applicant is permitted to withdraw 75 per cent of the amount deposited in the Court subject to furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 25 per cent amount be kept in any nationalized bank in Fixed Deposit Receipts, initially for a period of two years, and if so required, to renew the said Fixed Deposit Receipts for further period, till disposal of the appeal.

2) In view of the fact that the acquiring body has deposited entire amount under the award, the interim stay granted for execution of the impugned award stands confirmed. Civil Application for grant of stay stands disposed of.

(P.R. BORA, J.)

Mujaheed//