

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4372 OF 2021  
IN FA/3738/2018

DADARAO YEKNATH MALI (DIED) THR LRS BALIRAM THR POWEROF  
ATTORNEY SATYABHAMA B MALI

VERSUS

THE EX. ENGINEER, MINOR IRRIGATION MEDIUM PROJECT,  
OSMANABAD AND OTHERS

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Advocate for Applicant : Mr. Balaji Shihde h/f. Mr. E.S. Murge  
AGP for Respondents : Mr. P.M. Kulkarni

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CORAM : ANIL S. KILOR, J.

DATE : 08-04-2021

ORDER :

1. Applicant, by way of this Application, is making a limited prayer to transmit the amount deposited by the respondent – Acquiring Body and lying in this Court. It is submitted that earlier this Court vide order dated 28-01-2019 passed a similar order and thereby the amount was transferred to the reference Court. It is further pointed out that earlier the Acquiring Body had deposited 60% of the decretal amount which was transferred to the reference Court and after the said order dated 28-01-2019, the Acquiring Body has deposited remaining 40% of the total of the decretal amount in this Court and same is lying in this Court.

2. None appears for the Acquiring Body, however, looking at the prayers made in the Application, which is innocuous in nature, I am of the

opinion that no prejudice would be caused to the Acquiring Body if the similar order is passed as it was passed on 28-01-2019. Accordingly, the Application is allowed. The Registry is directed to transmit the amount lying in this Court to the Executing Court.

3. It is made clear that this Court while passing this order has not considered the entitlement of the applicant to receive the amount, which the learned Executing Court may consider on moving appropriate Application before the Executing Court.

4. Civil Application stands disposed of.

[ ANIL S. KILOR ]  
JUDGE

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