

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.3403 OF 2021

IN

FIRST APPEAL NO.909 OF 2020

MAHADEV RAMKISAN SAPTE AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.3404 OF 2021

IN

FIRST APPEAL NO.910 OF 2020

SUKHDEO TUKARAM KADAM AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.3405 OF 2021

IN

FIRST APPEAL NO.911 OF 2020

BABASAHEB S/O ASHRUBA KADAM AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.3406 OF 2021

IN

FIRST APPEAL NO.915 OF 2020

RAJABHAU S/O ASHRUBA SAPTE AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER

WITH
CIVIL APPLICATION NO.3402 OF 2021
IN
FIRST APPEAL NO.916 OF 2020

SUDHAKAR S/O AABARAO KHANDEKAR AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER

...
Mr.T.G. Gaikwad Advocate for Applicants.
Mr.B.R. Survase Advocate for Resp. No.1.
Mr.S.S. Dande, AGP for Resp. No.2.
...

CORAM: ANIL S. KILOR, J.

DATE : 31st MARCH, 2021

ORDER :

1. These are the applications moved by the claimants for withdrawal of the amount.
2. After hearing the appeals for some time, the appeals were admitted on the ground that the reference award which was the basis for grant of enhancement of compensation, in these matters, the said reference award has been challenged in the first appeal and the said first appeal is pending before this Court.

3. In the circumstances, the learned counsel appearing for the claimants prays for permitting the claimants to withdraw 50% of the amount on furnishing undertaking.

4. Shri Survase, learned counsel for acquiring body has no serious objection if the amount to the extent of 50% of the deposited amount is permitted to be withdrawn by the applicants.

5. In that view of the matter, the applications are partly allowed. The applicants are permitted to withdraw 50% of the total amount deposited in this Court on furnishing undertaking to the effect that in the event, decision in First Appeal/s is adverse to their interest, they would pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of such decision.

6. Civil applications are disposed of.

[ANIL S. KILOR, J.]