

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.4465 OF 2021
IN
FIRST APPEAL (ST.) NO.6829 OF 2021**

The Executive Engineer,
M.I.W., Jalgaon

..APPLICANT

VERSUS

Narendra Ramchandra Waghulde (Dead)
1.1 Mahendra Narendra Waghulde & ors.

..RESPONDENTS

**AND
CIVIL APPLICATION NO.4488 OF 2021
IN
FIRST APPEAL (ST.) NO.6387 OF 2021**

The Executive Engineer,
M.I.W., Jalgaon

..APPLICANT

VERSUS

Dilip Dipchand Thakur & ors.

..RESPONDENTS

**AND
CIVIL APPLICATION NO.4496 OF 2021
IN
FIRST APPEAL (ST.) NO.6378 OF 2021**

The Executive Engineer,
M.I.W., Jalgaon

..APPLICANT

VERSUS

Sunita Narendra Waghulde & ors.

..RESPONDENTS

**AND
CIVIL APPLICATION NO.6537 OF 2021
IN
FIRST APPEAL (ST.) NO.17242 OF 2021**

The Executive Engineer,
M.I.W., Jalgaon

..APPLICANT

VERSUS

Sau. Sarika Nitinkumar Jain & ors.

..RESPONDENTS

Mr Ajay D. Pawar, Advocate for applicants;
Mr S.B. Pulkundwar and Mr S.G. Sangle, AGPs for respondent-State;
Mr V.P. Patil, Advocate for respondent nos.1.1 to 1.4 in CA No.4465 of 2021
and for respondent no.1 in CA No.4496 of 2021;
Mr B.S. Dhawale, Advocate holding for Mr J.V. Patil, Advocate for respondent
nos.1 & 2 in C.A. No.4488 of 2021

**CORAM : RAVINDRA V. GHUGE
AND
S.G. MEHARE, JJ**

DATE : 5th August, 2021

P.C.

1. An extensive hearing was given to the learned Counsel for the respective sides over a period of almost two hours. Finally, the learned Advocate for the applicants-appellants submits on instructions that the acquiring body would deposit 50% of the amount that has been granted by the impugned judgments and awards in the First Appeals. Such amount would be deposited on or before 30th October, 2021. In view of the said statement, the learned Advocates representing the original claimants agree for interim protection being granted to the appellants, subject to the liberty to withdraw 50% of the deposited amount on a simple undertaking and remainder 50% to be withdrawn on tendering a solvent surety to the satisfaction of the learned Registrar (Judicial), Aurangabad Bench.

2. In view of the above, these Civil Applications are partly allowed in terms of prayer clause (B) on the condition that the appellants shall deposit 50% of

the entire amount as is granted by the impugned judgments and awards delivered by the learned Reference Court.

3. After such amount is deposited, the original claimants would be at liberty to withdraw 50% of the said amount to the extent of their individual shares by filing an affidavit undertaking that they would return the said amount within eight weeks, or to the extent of the excess amounts, if they suffer an adverse order in the pending First Appeals. Remainder amount shall be withdrawn by them by tendering solvent surety to the satisfaction of the learned Registrar (Judicial) of the Bombay High Court, Bench at Aurangabad.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

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