

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.878 OF 2021
IN
FIRST APPEAL NO.4597 OF 2017

...

MOHAN VISHWAMBHAR GIRI

VERSUS

THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, OSMANABAD
AND OTHERS

...

AND

915 CIVIL APPLICATION NO.880 OF 2021
IN
FIRST APPEAL NO.4594 OF 2017

...

SURESH KUNDLIK PAWAR

VERSUS

THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, OSMANABAD
AND OTHERS

...

Mr.V.V.Ingale, Advocate for the applicants in
both applications.

Mr.A.A.Jagatkar & Mr.P.M.Kulkarni, AGPs for
the respondent-State.

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CORAM : V.L.ACHLIYA,J.
DATE : 21.01.2021

P.C.

1] The applicants have moved these applications seeking withdrawal of the amount deposited by the appellant – acquiring body.

2] It is submitted that in group of the matters arising out of the same acquisition, this Court [Coram : Smt.Vibha Kankanwadi, J.] vide order dated 20th September, 2019, passed in Civil Application No. 4445 of 2019 in First Appeal No. 5176 of 2017 along with connected appeals allowed the withdrawal of the amount to the extent of 50% of the amount deposited in respective appeals, on furnishing undertaking to the effect that in case award is set aside or modified, the applicants shall re-deposit the amount within eight weeks. The copy of the order tendered taken on record.

3] In view of order dated 20.09.2019 passed in connected appeals, the applications are allowed on same terms and conditions. The applicants are permitted to withdraw the amount to the extent of 50% of the amount deposited in their respective appeals on furnishing undertaking to the effect that in

the event award is set aside or modified, the applicants shall re-deposit the amount within eight weeks from passing of the order.

4] The applications are disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC