

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 CIVIL APPLICATION NO.7047 OF 2022
IN FA/1043/2021

BABAN WAMANRAO JADHAV
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD AND
OTHERS

AND

916 CIVIL APPLICATION NO.7052 OF 2022
IN FA/1042/2021

BABU ANNA JADHAV
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO.1 AURANGABAD AND
OTHERS

AND

918 CIVIL APPLICATION NO.7054 OF 2022
IN FA/1041/2021

KARBHARI VISHNU JADHAV
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD AND
OTHERS

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Advocate for Applicant : Mr. D. A. Bide.
AGP for Respondent/State: Mr. S. N. Morampalle.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

. These are the applications for withdrawal of compensation
amount moved by the respective applicants/claimants.

2 Heard Mr. Bide, learned counsel for the respective applicants/claimants and Mr. Morampalle, learned AGP for the respondent/State.

3 It is revealed during the course of argument that the State/acquiring body has deposited the amount of compensation with the Reference Court / Executing Court. As such, it would be appropriate to dispose of these applications with directions to the Reference Court / Executing Court as under:

ORDER

- I. The applications are disposed of with following directions to the Reference Court / Executing Court:
- II. The respective applicants/claimants shall file fresh applications for withdrawal of compensation with the Reference Court / Executing Court within a week from today.
- III. Upon receiving such applications for withdrawal of compensation from the respective applicants/claimants, the Reference Court / Executing Court shall decide the same on their own merits in the light of the orders passed by this Court regarding withdrawal of compensation in various civil applications as a guiding factor.

- IV. The Reference Court / Executing Court shall not reject the applications for withdrawal of compensation only because the appeal is *sub-judice* before this Court.
- V. After receiving such applications for withdrawal of compensation, the Executing Court shall decide the same thereafter, within a week after giving an opportunity of being heard to both the sides.
- VI. The applications are accordingly disposed of in view of above directions.

[SHRIKANT D. KULKARNI, J.]

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