

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

101 CIVIL APPLICATION NO.11212 OF 2023
IN FIRST APPEAL STAMP NO.19310 OF 2021

MAHAMAD ASIF FAKRODDIN KURESHI
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the applicant : Mr.L.C.Patil
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.3 : Mr.M.S.Kulkarni

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WITH

CIVIL APPLICATION NO.8678 OF 2021
IN FAST/19310/2021
WITH CA/8679 OF 2021 IN FAST/19310/2021

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHEN DIVISION, OMERGA
VERSUS

MAHAMAD ASIF FAKRODDIN KURESHI & OTHERS

...

Advocate for the applicant : Mr.M.S.Kulkarni
AGP for the respondent – State : Mr.K.N.Lokhande
Advocate for the respondent no.1 : Mr.L.C.Patil

...

WITH

CIVIL APPLICATION NO.8680/2021
IN FAST/19314/2021
WITH CA/8681/2021 IN FAST/19314/2021

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHEN DIVISION, OMERGA
VERSUS

HAMIDABEGUM IMAMODDIN KAZI & OTHERS

...

Advocate for the applicant : Mr.M.S.Kulkarni
AGP for the respondent – State : Mr.K.N.Lokhande
Advocate for the respondent no.1 : Mr.L.C.Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.09.2023

P.C. :

**A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT :**

1] The present Civil Application is filed for withdrawal of the amount deposited in this Court by the acquiring body.

2] The learned counsel for the applicant submits that in identical connected matters in respect of adjacent project, this Court had permitted withdrawal of 75% of the entire amount of compensation.

3] In similar matter this Court has granted withdrawal of 90% amount out of 75% total deposited amount in this Court.

4] In view of the same, the applicants are permitted to withdraw 70% of the total compensation as directed by the Reference Court along with interest accrued thereon on usual undertaking to the satisfaction of the

Registrar [Judicial] of this Court. The remaining amounts be kept in FDR in any Nationalized Bank till final disposal of the Appeal.

5] Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATIONS FOR STAY

Since the appellant – acquiring body has deposited the amount of compensation as directed by this Court, the earlier stay granted by this Court is confirmed. Civil Applications are disposed of accordingly.

C] ORDER IN CIVIL APPLICATIONS FOR DELAY

1] The present Civil Applications are filed to condone the delay of 886 days in filing the First Appeals.

2] For the reasons stated in the Civil Applications, the same are allowed. Delay is condoned. Civil Applications are disposed of accordingly. Office objections, if any, to be removed within four weeks.

D] ORDER IN FIRST APPEALS

1] Heard. First Appeals are **admitted**.

2] On admission, Mr.L.C.Patil, learned counsel waives notice for respondent no.1. The learned AGP waives notice for respondent nos.2 and 3.

3] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC