



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14853 OF 2023
IN FAST/3272/2023 WITH C.A. NO. 3918 OF 2023 IN F.A.(ST) No.
3272 of 2023 WITH C.A. NO. 1891 OF 2023 IN F.A.ST. NO. 1044/2023
WITH C.A. NO. 3919 OF 2023 IN F.A.ST. NO. 3272 OF 2023

Bandu Pandharinath Tambe

....Applicant

VERSUS

The State Of Maharashtra And Anr

.....Respondent

.....

Advocate for Applicant : Ms. Manisha Dalave, Advocate i/b Mr.
Talekar And Associates

AGP for Respondent No.1 : Mrs. R.R. Tandale

Advocate for respondent No.2 : Mr. S. V. Deshmukh

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CORAM : S. G. MEHARE, J.

DATE : 19.01.2024

PER COURT :

CIVILAPPLICATION NO. 14853 OF 2023

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.
2. In similarly situated case this Court by order dated 12th September, 2023 in First Appeal Stamp No. 11460 of 2023 in First Appeal Stamp No. 27177 of 20222 with C.A. No. 15932/2022 allowed the applicant to withdraw 75% of the amount deposited. In view of the said observations the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicants are allowed to withdraw 50% of the amount deposited along with accrued interest on furnishing usual undertaking before the learned Registrar (Judicial) of this Court and remaining balance 25% of the amount deposited along with accrued interest on furnishing solvent security.

CIVIL APPLICATION NO.3918 OF 2023

IN F.A. (ST) 3272 OF 2023

DELAY

WITH

CIVIL APPLICATION NO. 1891 OF 2023

IN F.A.ST. 1044/2023

3. Both, the appellant and respondent have preferred the appeal against the impugned order. The claimant has preferred the appeal for enhancement and acquiring body has preferred the appeal impugning the award as it is disproportionate and exorbitant. There was a delay in preferring both appeals.

4. Heard the learned respective counsels.

5. For the reasons mentioned in the delay condonation application, the delay is condoned in the respective matters. The office is directed to register the appeal. The Civil Applications for condonation of delay are allowed.

**CIVILAPPLICATION NO. 3919 OF 2023
IN FIRST APPEAL STAMP NO. 3272 OF 2023 STAY**

6. Since the amount has been deposited as directed by this Court, the execution, implementation and effect of the impugned award is stayed till conclusion of the appeal. The civil application for stay is disposed of.

7. **Admit.**

8. Issue notice to the respondents after admission. Both the sides waives the service of notice.

9. Call record and proceeding.

10. List the matter in due course.

**(S. G. MEHARE)
JUDGE**

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