



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

**903 CIVIL APPLICATION NO. 9498 OF 2024
IN FAST/5830/2023**

MIR AZAM ALI MIR HASHAM ALI AND ANR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH, SUB-DIVISIONAL OFFICER
VAIJAPUR

...
Advocate for Applicant : Mr. Suresh N. Rodge.
AGP for Respondent/State : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. M. C. Swami.

...
AND
**CIVIL APPLICATION NO. 2406 OF 2023
IN FAST/5830/2023**

EXECUTIVE ENGINEER NANDUR MADHMESHWAR CANAL
VERSUS
MIR AJAM ALI MIR HASHAM ALI AND ANOTHER
AND
**CIVIL APPLICATION NO. 2407 OF 2023
IN FAST/5830/2023**

EXECUTIVE ENGINEER NANDUR MADHMESHWAR CANAL
VERSUS
MIR AJAM ALI MIR HASHAM ALI AND ANOTHER

...
Advocate for Applicant : Mr. Mahesh C. Swami.
AGP for Respondent/State : Mr. K. S. Patil.
Advocate for Respondent Nos.1 & 2 : Mr. Suresh N. Rodge.

...
CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

Delay condonation application:

2 For the reasons stated in the application, the delay stands

condoned. The applications is allowed. Appeal be registered.

Application for stay:

3 Since the applicant has already deposited the entire amount as per the impugned judgment and award alongwith interest in this Court, there shall be stay to the execution and operation of the impugned judgment and award.

Application for withdrawal of amount:

4 The application is opposed by the learned counsel for appellants. However, looking to the facts of the case, the following order is passed:

ORDER

- I. The applicants are permitted to withdraw 50% of the amount deposited in this Court alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeals.
- II. With this, the civil application for withdrawal of amount stands disposed of.

Appeal:

5 Heard.

6 **Admit.**

7 Issue notice to the respondents. Mr. Rodge, learned counsel
waives notice for respondent Nos.1 and 2 on admission.

8 The record and proceedings be called for.

[KISHORE C. SANT, J.]

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