



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

CIVIL APPLICATION NO. 573 OF 2024
IN
FIRST APPEAL STAMP NO. 16443 OF 2020
WITH
CIVIL APPLICATION NO. 3269 OF 2021
IN FA/ST/16443 OF 2020
WITH
CIVIL APPLICATION NO. 3270 OF 2021
IN
FIRST APPEAL STAMP NO. 16443 OF 2020

GORAKH KRUSHNA KUNDALE
VERSUS
THE G.M.I.D.C. THR ITS EX. ENGINEER IRRIGATION DIVISION
OSMANABAD

....
Advocate for the applicant : Mr. S. A. Deshmukh
Advocate for Respondent : Mr. R. B. Gaikwad
.....

CORAM : S. G. MEHARE, J.
DATE : 19.01.2024

PER COURT :

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.
2. In similarly situated application this Court by order dated 17.01.2023 allowed the claimant to withdraw the amount. Hence, the following order :-

ORDER

- (i) The application is partly allowed.

- (ii) The applicant is allowed to withdraw 75% of the amount of the award deposited, out of it 50% be released on furnishing usual undertaking and 25% be released on furnishing solvent security/surety to the satisfaction of the learned Registrar Judicial of this Court.
- (iii) Balance amount be invested in fixed deposit of any Nationalized Bank, on the yearly renewal basis till the final disposal of the appeal.

CIVIL APPLICATION NO. 3269 OF 2021
IN FIRST APPEAL STAMP NO. 16443 OF 2020 (DELAY)
WITH
CIVIL APPLICATION NO. 3270 OF 2021
IN FIRST APPEAL STAMP NO. 16443 OF 2020 (STAY)

THE G.M.I.D.C. THRU ITS EX. ENGINEER IRRIGATION DIVISION'
OSMANABAD AND ANOTHER
VERSUS
GORAKH KRUSHNA KUDALE

3. For the reasons mentioned in the application, the delay is liable to be condoned and the execution of the award may be stayed. Hence, the following order

ORDER

- (i) Both applications are allowed.
- (ii) The delay caused in preferring the appeal is condoned.
- (iii) The execution of the impugned award is stayed till the conclusion of the appeal.

(iv) Office to register the appeal.

4. Admit.

5. Issue notice to the respondents after admission. The learned counsel Mr. R. B. Gaikwad waives service of notice for the respondents.

6. Call record and proceedings.

7. List the matter in due course.

(S. G. MEHARE)
JUDGE

ysk