



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

38 CIVIL APPLICATION NO. 9221 OF 2024
IN FAST/20726/2023
WITH
CIVIL APPLICATION NO. 8589 OF 2023
IN FAST/20726/2023
WITH
CIVIL APPLICATION NO. 8591 OF 2023
IN FAST/20726/2023

JAHUR S/O GULAB PATHAN (DIED) THROUGH ITS LRS AND
ORS
VERSUS
THE EXECUTIVE ENGINEER DHANANJAY MARUTI GODASE

...
Advocate for Applicant : Mr. S. N. Lale Yelwatkar
Advocate for Respondent No. 1 : Mr. Shyam C. Arora
...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

1. Heard the parties. This application is for withdrawal of the amount deposited by the appellant Acquiring Body in the office of this Court. The applicants are the Original Claimants whose lands have been acquired.

2. The application is opposed by Mr.Arora, learned Advocate for respondent No. 1.

3. Considering the above, this Court is inclined to pass following order :

ORDER

(i) The Civil Application stands allowed and disposed off.

(ii) The applicants are entitled to withdraw 50% of the amount deposited alongwith accrued interest on furnishing usual undertaking.

(iii) Further 25% of the amount deposited is permitted to withdraw on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.

(iv) Remaining amount if any, be deposited in the Fixed Deposit in any nationalized bank, to be renewed from time to time, till final disposal of the main appeal.

DELAY

1. This application is for condonation of delay of 1602 days caused in filing the appeal.
2. For the reasons recorded in the application, the application stands allowed. Delay stands condoned.
3. The Civil Application stands disposed off.

STAY

1. Since the amount is already deposited by the Acquiring Body in the office of this Court, there shall be stay to the impugned judgment and award till final disposal of the appeal.
2. The Application stands disposed off.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 23.01.2025.

2. Learned Advocate Mr. Arora waives service of notice for respondent No.1.

(KISHORE C. SANT)
JUDGE

mahajansb/