



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

CIVIL APPLICATION NO. 8263 OF 2023
IN FAST/5845/2020

Shobha Ashok Kasat and ors.
VERSUS
The Executive Engineer,
Girna Cannel Renovation Division- 2, Jalgaon and ors.

AND
CIVIL APPLICATION NO. 8280 OF 2023
IN FAST/5840/2020

Arpana Vasant Patil
VERSUS
The Executive Engineer,
Girna Cannel Renovation Division- 2, Jalgaon and ors.

WITH
CIVIL APPLICATION NO. 16853 OF 2022
IN FA/1369/2021

WITH
CIVIL APPLICATION NO. 16850 OF 2022
IN FA/1387/2021

WITH
CIVIL APPLICATION NO. 16854 OF 2022
IN FA/1360/2021

WITH
CIVIL APPLICATION NO. 16859 OF 2022
IN FA/1408/2021

WITH
CIVIL APPLICATION NO. 16858 OF 2022
IN FA/1361/2021

WITH
CIVIL APPLICATION NO. 16891 OF 2022
IN FA/1367/2021

WITH
CIVIL APPLICATION NO. 16901 OF 2022
IN FA/1414/2021

WITH
CIVIL APPLICATION NO. 16897 OF 2022
IN FA/1406/2021

WITH
CIVIL APPLICATION NO. 16713 OF 2022
IN FA/1403/2021

WITH
CIVIL APPLICATION NO. 16710 OF 2022
IN FA/1358/2021

WITH
CIVIL APPLICATION NO. 16895 OF 2022
IN FA/1385/2021

WITH
CIVIL APPLICATION NO. 16692 OF 2022
IN FA/1363/2021

WITH
CIVIL APPLICATION NO. 16902 OF 2022
IN FA/1415/2021

WITH
CIVIL APPLICATION NO. 16707 OF 2022
IN FA/1409/2021

WITH
CIVIL APPLICATION NO. 16899 OF 2022
IN FA/1404/2021

WITH
CIVIL APPLICATION NO. 16693 OF 2022
IN FA/1370/2021

WITH
CIVIL APPLICATION NO. 17057 OF 2022
IN FA/184/2021

WITH
CIVIL APPLICATION NO. 16715 OF 2022
IN FA/1392/2021

WITH
CIVIL APPLICATION NO. 16711 OF 2022
IN FA/1375/2021

WITH
CIVIL APPLICATION NO. 16694 OF 2022
IN FA/1399/2021

WITH
CIVIL APPLICATION NO. 16898 OF 2022
IN FA/1400/2021

WITH
CIVIL APPLICATION NO. 16884 OF 2022
IN FA/1381/2021

WITH
CIVIL APPLICATION NO. 16888 OF 2022
IN FA/1401/2021

WITH
CIVIL APPLICATION NO. 16706 OF 2022
IN FA/183/2021

WITH
CIVIL APPLICATION NO. 16883 OF 2022
IN FA/1365/2021

WITH
CIVIL APPLICATION NO. 16705 OF 2022
IN FA/1418/2021

WITH
CIVIL APPLICATION NO. 16886 OF 2022
IN FA/1394/2021

WITH
CIVIL APPLICATION NO. 16885 OF 2022
IN FA/1393/2021

WITH
CIVIL APPLICATION NO. 16890 OF 2022
IN FA/1391/2021

WITH
CIVIL APPLICATION NO. 17062 OF 2022
IN FA/1416/2021

WITH
CIVIL APPLICATION NO. 17058 OF 2022
IN FA/1398/2021

WITH
CIVIL APPLICATION NO. 17063 OF 2022
IN FA/185/2021

WITH
CIVIL APPLICATION NO. 709 OF 2023
IN FA/1376/2021

WITH
CIVIL APPLICATION NO. 17059 OF 2022
IN FA/1407/2021

WITH
CIVIL APPLICATION NO. 17065 OF 2022
IN FA/1413/2021

WITH
CIVIL APPLICATION NO. 17060 OF 2022
IN FA/1390/2021

WITH
CIVIL APPLICATION NO. 713 OF 2023
IN FA/1357/2021

WITH
CIVIL APPLICATION NO. 17061 OF 2022
IN FA/1389/2021

WITH
CIVIL APPLICATION NO. 712 OF 2023
IN FA/1372/2021

WITH
CIVIL APPLICATION NO. 693 OF 2023
IN FA/1402/2021

WITH
CIVIL APPLICATION NO. 691 OF 2023
IN FA/1380/2021

WITH
CIVIL APPLICATION NO. 678 OF 2023
IN FA/1397/2021

WITH
CIVIL APPLICATION NO. 711 OF 2023
IN FA/1374/2021

WITH
CIVIL APPLICATION NO. 17055 OF 2022
IN FA/1419/2021

WITH
CIVIL APPLICATION NO. 690 OF 2023
IN FA/1395/2021

WITH
CIVIL APPLICATION NO. 680 OF 2023
IN FA/1396/2021

WITH
CIVIL APPLICATION NO.11393 OF 2024
IN FAST/5845/2020
WITH
CIVIL APPLICATION NO.11392 OF 2024
IN
FAST/5840/2020
WITH
CIVIL APPLICATION NO.1165 OF 2023
IN
FIRST APPEAL NO.1383 OF 2021

Mr.A.B.Kale, Advocate for the applicants/claimants
Mrs.Kalpalata Patil-Bharaswadkar, AGP for respondents - State
Mr.A.D.Pawar, Advocate for respondent - acquiring body

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : OCTOBER 18, 2024

ORDER :-

The applicants/claimants have filed these applications for directions to the respondent - acquiring body to deposit the remaining 75% amount under the impugned award along with the applications for withdrawal of the amount.

2. Heard learned counsel for the applicants and learned counsel for the acquiring body.

3. It is not disputed that initially, the acquiring body had deposited 25% of the amount under the impugned award in terms of

the order passed in the year 2021. This Court had permitted the applicants/claimants to withdraw said 25% of the amount. Now, the acquiring body has deposited another 25% of the amount under the impugned award, i.e. the amount which was due on the date of that order, and not uptill date.

4. Learned counsel for the applicants/claimants submits that the applicants may be allowed to withdraw another 25% amount, which has now been deposited by the acquiring body, since, according to him, the said amount is far below the amount awarded. He submits that necessary undertaking would be given by the applicants/claimants.

5. The applications for withdrawal of amount are opposed by learned counsel for the acquiring body. He submits that there are fruit-bearing trees and if the appeals are heard, the acquiring body is likely to succeed. He submits that the appeals may be heard finally.

6. It is not in dispute that so far, only 50% of the amount under the impugned award, has been deposited by the acquiring body. The acquiring body has not yet deposited remaining 50% of the amount along with interest. We, therefore, see no impediment to

permit the applicants/claimants to withdraw another 25% amount deposited by the acquiring body.

7. Hence, the applicants are permitted to withdraw another 25% amount, which has now been deposited by the acquiring body, subject to furnishing regular undertaking(s) to the satisfaction of learned Registrar (Judicial) of this Court. The applications for withdrawal of amount, as such, stand disposed of.

8. The applications for directions stand disposed of.

9. Learned counsel for the acquiring body undertakes to prepare private paper book before the next date.

10. Fix the appeals for final hearing on 13.12.2024.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP