



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 CIVIL APPLICATION NO. 13525 OF 2024 IN FA/2668/2024

Sandu S/o Rustum Kharat And Ors

VERSUS

The Executive Engineer Minor Irrigation Division And Ors

...

WITH

CIVIL APPLICATION NO. 11403 OF 2024 IN FA/2668/2024

...

AND

979 CIVIL APPLICATION NO. 13597 OF 2024 IN FA/2669/2024

Rangnath S/o Ashruba Kharat And Ors

VERSUS

The Executive Engineer Minor Irrigation Division Jalna And
Ors

...

WITH

CIVIL APPLICATION NO. 11397 OF 2024 IN FA/2669/2024

...

AND

980 CIVIL APPLICATION NO. 13667 OF 2024 IN FA/2670/2024

Bhagwan S/o Pandurang Kharat

VERSUS

The Executive Engineer Minor Irrigation Division And Ors

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Advocate for Applicant : Mr. V.M. Humbe

Advocate for Respondents : Mr. Akash D. Gade

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 10, 2025

ORDER :-

CAs for withdrawal of the amount :-

1. The applicants seek to withdraw the amount deposited by the acquiring body in pursuance to the Award passed by the Reference Court.
2. Mr. Humbe, learned advocate appearing for the applicants submits that, in connected first appeals arising out of the same award, this Court has permitted withdrawal of 75% the awarded amount. He places reliance on the order dated 30.8.2024 passed in CA No.9354 of 2024 in FA St No.29972 of 2023.
3. Learned advocates appearing for the respondent acquiring body, on instructions, states that, said matters are arising out of the same award.
4. In that view of the matter, civil applications for withdrawal of the amount needs favourable consideration.
5. Mr. Humbe, would further point out that, 50% of the awarded amount was deposited with the Reference Court and, same has been already withdrawn by the claimants. Balance 50% is deposited in this Court and, therefore, he would restrict his prayer to permit withdrawal of 50% amount out of the amount deposited in this Court.
6. Considering the submissions advanced, the prayer as made can be accepted. Hence following order.

ORDER

- i. The applications are partly allowed.

- ii. The applicants are permitted to withdraw 50% of amount deposited with the Registry of this Court in these appeals subject to condition that the applicants Tender undertaking/s to the Registrar (Judicial) of this Court that, in case, any adverse order is passed in appeal/s, they shall re-deposit the amount alongwith interest @ 6% p.a. from the date of the final order passed in the appeal.
- iii. Civil applications stand **disposed off**.

First Appeals :-

7. **Admit.** Print and paper book dispensed with. Mr. Humbe, learned counsel waives notice on admission.

8. **Stay applications :-**

Mr. Gade, learned advocate submits that entire amount as per Award has been deposited, 50% of which is deposited with the Reference Court and, balance is deposited in this Court.

9. Mr. Humbe, learned counsel accepts the statement as made.

10. In that view of the matter, civil applications stand allowed. During pendency and final disposal of the appeal/s, the impugned award shall remain stayed. Civil applications stand **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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