



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 663 OF 2025
IN FA/1871/2023

Sarjerao Devidas Deshmukh

VERSUS

The Executive Engineer, Irrigation Div., Beed And Anr

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Mr. N. P. Bangar, Advocate for Applicant

Mr. S. P. Joshi, AGP for Respondent-State

Mr. S. G. Bhalerao, Advocate for Respondent No.1

...

WITH

CIVIL APPLICATION NO. 5473 OF 2023
IN FA/1871/2023

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CORAM : ROHIT W. JOSHI, J.

Dated : 28TH FEBRUARY, 2025

PER COURT :-

FA/1871/2023

1. Heard.

2. **Admit.**

3. Call Record and Proceeding.

4. Issue notice to respondents. Learned AGP waives service of notice for respondent No.2. learned Advocate appearing for respondent waives service of notice for respondent/original claimant.

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. Since the amount of 50% as directed vide earlier order granting ad-interim-stay to execution of interim judgment and award is deposited, the ad-interim-stay stands confirmed and shall operate till final disposal of the appeals, subject to right of the respondent/land owner to move application for withdrawal of amount.

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. The execution of impugned judgment and award has been stayed, subject to condition that 50% of the amount as awarded by the learned Reference Court is deposited with this Court alongwith accrued interest. The appellant/Acquiring Body has complied with the said condition.

2. In similar matters, the entire 50% amount as deposited and accrued interest is permitted to be withdrawn by the respondents/land owners on furnishing usual undertaking.

3. In that view of the matter, the present Civil Application is **allowed**, allowing the respondents/land owners to withdraw the amount deposited alongwith accrued interest on furnishing usual undertaking.

(ROHIT W. JOSHI, J)