

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 15406 OF 2016  
IN FAST/27625/2015 WITH CA/12615/2015 IN  
FAST/28761/2015 WITH CA/12616/2015 IN  
FAST/28761/2015 WITH CA/12708/2015 IN  
FAST/27625/2015 WITH CA/12709/2015 IN  
FAST/27625/2015 WITH CA/12713/2015 IN  
FAST/27696/2015 WITH CA/12714/2015 IN  
FAST/27696/2015 WITH CA/15407/2016 IN  
FAST/27696/2015 WITH CA/15408/2016 IN  
FAST/28761/2015

BHAGVAN PANDIT MASKE

VERSUS

THE EXECUTIVE ENGINEER, MAJALGAON CANAL  
DIV.NO.10, PARBHANI THR GMIDC AURANGABAD

...

Advocate for Applicants : Mr.Amol Gandhi, Adv.  
h/for Mr. Tungar Nikhilesh K.  
Mr. SG Bhalerao, Adv. For Resp.No. 1;  
Mr. SN Morampalle, AGP for Respondents:2..

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**CORAM : P.R.BORA, J.**

**DATE : 30<sup>th</sup> November, 2016.**

**PER COURT :**

- 1) Heard learned Counsel for the applicant and learned counsel for acquiring body.
- 2) Considering the averments raised in the application for withdrawal of amount and the objections raised by the acquiring body in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

## ORDER

i) The applicants are permitted to withdraw 50% of the amount deposited by the acquiring body in this court, on submitting an undertaking that, if any adverse order is passed against him in the appeal/s, he will re-deposit the amount within four months of passing such order;

ii) Balance 50% amount be invested in a Fixed Deposit Receipts in any Nationalized Bank, till disposal of the appeal/s.

iii) The Civil Application/s for withdrawal of the amount is disposed of.

3) Heard on CA for condonation of delay. Delay of 524 days has occurred in filing the appeal by the acquiring body. Learned Counsel appearing for the respondents/original claimants has opposed for condoning the delay stating that sufficient reasons are not assigned.

4) On perusal of the application, it appears to me that the reasons which are assigned cannot be outrightly rejected and the acquiring body needs to be given an opportunity to contest the appeal on merits. I am, therefore, inclined to condone the delay. The delay is condoned. The respective civil applications for condonation of delay are disposed of. The appeals be registered

in accordance with law.

5) After registration of the appeals, issue notices to the respondents. Learned Counsel and learned AGP waive service for respective respondents. Service complete.

. Place the matter for admission on 18<sup>th</sup> January, 2017.

6) In view of the fact that the acquiring body has deposited the entire amount under the impugned award/s, as directed by this Court, the interim stay granted earlier is made absolute. Civil Applications for stay are disposed of.

**(P.R.BORA)**  
**JUDGE**

bdv/