

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

902 CIVIL APPLICATION NO. 5387 OF 2018
IN
FIRST APPEAL NO. 3413 OF 2008

KISHOR CHATTRUSING RAJPUT
VERSUS
THE STATE OF MAHARASHTRA

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Mr. D.G.Kamble, Advocate for Applicant.
Mrs. S.S.Raut , A.G.P. for Respondent.
Mr. S.K.Adkine, Advocate for A.Nos. 1 &
2 (A) to 2 (C) in F.A.

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CORAM : V.L.ACHLIYA, J.
DATE : 19th JULY, 2018

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ORAL ORDER :

1. The applicant/respondent No. 2 in First Appeal No. 3413 of 2008 has moved this application seeking withdrawal of amount of Rs.1,30,029/- deposited by respondent No. 1 towards compensation of land acquired of the appellants as well as respondent No. 2. It is the contention of the applicant that the appellants have withdrawn the amount to the extent of their respective shares. After the appeal was disposed of in terms of order passed in Lok Adalat held on 01/12/2012, the applicant has approached the registry for withdrawal of the amount to the extent of his share. However, the applicant is orally informed that as he was not signatory to the compromise pursis filed before Lok Adalat, the amount can not be paid to him. It is the contention of the applicant that as the appeal is finally disposed of and amount lying deposited in the Court is enhanced compensation which he is entitled in terms of compromise, the amount deserves to be released. Learned counsel for the appellants submits that the

applicant is entitled to withdraw the amount. The appellants have received the amount to the extent of their share.

2. Registrar [Judicial] to examine the matter and submit report as to whether there is any impediment in allowing the application to release the amount in favour of the applicant.

3. Stand over to 24/07/2018.

[V.L.ACHLIYA]
JUDGE