

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

**CIVIL APPLICATION NO.7362 OF 2019
IN FA/1284/2016**

**BANDU GOVIND PRADHAN
VERSUS
GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
AND ANR**

...
Mr. S.N. Pagare, Advocate for applicant.

...
CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Not on board. Taken on board.

2. Heard learned Advocate appearing for the applicant. He informs that since on two earlier occasions, the matter could not reach. He has urgency for withdrawal of the amount. He also submits that he had informed the other side that he would be pressing for the application. Since, it is the matter of withdrawal of amount which is already deposited in this Court, the appellant has limited role to play.

3. The amount was deposited towards the compensation of the enhanced amount of land acquisition. Amount of Rs.37,01,553/- has been

deposited. However, it appears that it is in respect of the entire award, wherein the present applicant as well as his brother original respondent No.2 are entitled too and therefore, the withdrawal can be considered only from amount of Rs.36,50,776.50/-. Another fact that is required to be noted is that vide order dated 24.07.2018 in Civil Application No.3003 of 2018, the present applicant was allowed to withdraw 1/3rd of the deposited amount and accordingly, the applicant has withdrawn 12,16,925/-.

4. The applicant contends that since his daughter has got admitted to Post Graduate Diploma in Vaikuntha Mehta National Institute of Co-operative Management, he is required to pay her fees and therefore, he prays for withdrawal of amount of Rs.3,63,075/-. He has annexed the necessary communication from the said college. Therefore, taking into consideration the said aspect, he can be allowed to withdraw amount of Rs.3,63,075/- from his share of 36,50,776.50/- subject to filing an undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM