

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

**905 CIVIL APPLICATION NO.606/2019
IN FAST/2675/2012**

**SHAIKH FARID SHAIKH WALLIJI AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.**

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Advocate for Applicant : Ms. Smita Kulkarni h/f. Mr. K. M. Nagarkar
AGP for Respondent - State: Mr. S. P. Deshmukh
Advocate for Respondent No. 3 : Mr. S. U. Shaikh h/f. Mr. R. D. Biradar

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CORAM : SUNIL. K. KOTWAL,J.

DATE : 12th April, 2019

PER COURT:

1. This application is for withdrawal of remaining compensation amount deposited by acquiring body before this Court. After going through, the order dated 08.05.2015, it emerges that already more than 50% deposited compensation amount with accrued interest is withdrawn by the applicant. No reasonable cause is assigned for withdrawal of the remaining compensation amount which is invested in fixed deposit. Marriage expenses of granddaughter cannot be a reason for withdrawal of the compensation amount by the applicant. So also considering the nature of the ailment as certified by

Dr. Kadri, who is a gynecologist, cannot be a reason to allow additional withdrawal as already Rs.30 lakhs are withdrawn by the applicant, therefore, application for withdrawal of compensation amount is rejected. As the period of fixed deposit is over, the Registrar (Judl) is directed to invest the remaining compensation amount in any nationalized bank in fixed deposit till final hearing of the appeal. After receipt of record and proceeding, the appeal be fixed for final hearing at the state of admission. Civil Application is disposed of.

(SUNIL K. KOTWAL, J.)