

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

920 CIVIL APPLICATION NO.8119 OF 2020
IN FIRST APPEAL NO.3629 OF 2019
[NAYANSUKH MOTILAL GANDHI & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS]

...
Mr.Kumar Gaurav M. More, Advocate for the
applicants.

Mr.P.M.Kulkarni, AGP for the respondent-
State.

Mr.S.S.Dande, Advocate for the respondent
no.3.

...
CORAM : V.L.ACHLIYA,J.
DATE : 09.12.2020

P.C.

1] The applicants have moved this
application seeking withdrawal of balance
amount to the extent of 25% lying deposited
in this Court.

2] It is submitted that in terms of
order dated 25.11.2019, the applicants
claimants were permitted to withdraw the
amount to the extent of 75%. The applicants
are in need of the balance amount to the
extent of 25%, which is deposited with the
Court.

3] Learned counsel for the appellant-
acquiring body opposed the application with

contention that the order dated 25.11.2019 has been passed after due consideration of the facts of the case and challenge raised in appeal. In order to protect interest of the appellants, the Court has retained 25% amount to be deposited with the Court. It is submitted that in case the applicants are permitted to withdraw the amount, serious prejudice may cause to the appellants in the event award is set aside or modified. It is submitted that no compelling reasons have been made out to make an application seeking withdrawal of the amount.

4] The application discloses no justifiable reasons to withdraw the balance amount. The order dated 25.11.2019 was passed after hearing the applicants—claimants and permission granted to withdraw the amount to the extent of 75% deposited by appellants. Filing of such application is nothing but wastage of judicial time. Accordingly, the application is rejected.

[V.L.ACHLIYA]
JUDGE