

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

901 CIVIL APPLICATION NO. 4356 OF 2021
IN FA/697/2020

**DADASAHEB DNYANOBA KAPASE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
AND OTHERS**

Advocate for Applicant : Mr. A.T. Jadhavar.
Advocate for Respondent No. 1 : Mr. R.B. Deshpande.
AGP for Respondent Nos. 2 & 3 : Mr. G.O. Wattamwar.

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 01st July, 2021.

PER COURT :

1. Heard Mr. Aashish Jadhavar, learned Advocate for the applicant, Mr. R.B. Deshpande learned Advocate for respondent No. 1 / acquiring body and learned AGP for respondent Nos. 2 and 3/State.

2. Respondent No. 1 has deposited entire decretal amount in this Court as per orders of this Court. The applicant is seeking withdrawal of that amount mainly on the ground that applicant is old aged and he needs money for his medical treatment. He has also produced on record his medical papers in support of his prayer clause.

3. Mr. R.B. Deshpande, learned Advocate for respondent No. 1 / acquiring body opposes to grant prayer to withdraw 100% amount. He

submits that the reference Court has awarded exorbitant compensation without considering factual aspects. Number of arguable points are involved in the appeal.

4. Having regard to the submissions of learned Advocates for both the sides and on perusing the medical papers produced by the learned Advocate for the applicant, I am convinced to grant withdrawal to the extent of 50% of the amount deposited by the acquiring body. With this, I conclude and proceed to pass the following order :

ORDER

- i. The application for withdrawal of amount is hereby allowed.
- ii. The applicant / original claimant is permitted to withdraw 50% of the amount deposited by the acquiring body in this Court on furnishing usual undertaking with the registry to the satisfaction of the Registrar (Judicial) of this Court.
- iii. Application stands disposed of, accordingly.

(SHRIKANT D. KULKARNI, J.)