

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

17 CIVIL APPLICATION NO.2473 OF 2022  
IN FA/990/2016

GOKULDAS @ BALASAHEB BAPURAO PATIL

VERSUS

THE EX. ENGINEER, IRRIGATION DEPARTMENT  
ZP. OSMANABAD AND ANR

...

Advocate for Applicant : Mr M.P. Tripathi  
AGP for Respondent No.2/State :- Mr S.P.Deshmukh  
Advocate for Respondent No.1/Z.P. : Ms S.K. Doke (Renge)

**CORAM : SHRIKANT D. KULKARNI, J.**  
**DATE : 18<sup>th</sup> APRIL, 2022**

**PER COURT :**

1. It is an application for withdrawal of compensation amount moved by the applicant/original claimant.
2. Heard Mr M.P. Tripathi, learned counsel for the applicant/original claimant, Ms S.K. Doke, learned counsel for respondent No.1/Z.P. Osmanabad and Mr S.P. Deshmukh, learned AGP for the State/Respondent No. 2.
3. Mr Tripathi, learned counsel for the applicant seeks leave to place on record copy of order passed by this Court in Civil Application No. 8669/2021 in First Appeal No. 989/2016 with First Appeal No. 990/2016 dated 25<sup>th</sup> October, 2021.
4. The copy of order dated 25<sup>th</sup> October, 2021 is taken on record and marked 'X' for identification.

5. Mr Tripathi, learned counsel for the applicant seeks similar prayer.
6. Mr S.P. Deshmukh, learned AGP for the State fairly concedes position of passing of earlier order by this Court arising out of same group thereby allowing the applicant to withdraw 60% of the amount of compensation.
7. I do not see any reason to take a different view. By taking the similar view, I proceed to pass the following order :-

### **ORDER**

- (A) The civil application is allowed as under :-
- (i) The applicant is permitted to withdraw 60% of the amount of compensation deposited by the State in this Court on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (ii) The civil application is accordingly disposed of.
- (iii) After Record and proceedings is received, and all the formalities are completed, list this first appeal along with connected First Appeal No.989/2016 under the category of final hearing on 29.06.2022.

**( SHRIKANT D. KULKARNI, J.)**

mta