

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

920 CIVIL APPLICATION NO.6672 OF 2022
IN FA/873/2018

NEMINATH NAGNATH LUNGARE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE COLLECTOR, OSMANABAD
AND OTHERS

...

Advocate for Applicant : Mr S.A. Wakure
AGP for Respondent Nos. 1 to 3/State: Mr P.M. Kulkarni

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 28th APRIL, 2022

PER COURT :

1. It is a second application moved by the applicant/claimant for withdrawal of compensation amount.
2. Heard Mr S.A. Wakure, learned counsel for the applicant/claimant and Mr P.M. Kulkarni, learned AGP for the State/respondent Nos. 1 to 3.
3. It is revealed during the course of argument that this Court was pleased to allow the applicant/claimant to withdraw 60% of the amount of compensation vide order dated 31st October, 2018. Mr Wakure, learned counsel for the applicant submits that applicant is a senior citizen. He is in need of money for his medical treatment. He has incurred much expenditure for the treatment of his wife. He therefore, urged to allow this application to withdraw remaining balance amount of 40%.
4. Mr P.M. Kulkarni, learned AGP for the State strongly opposed to allow this application. He submitted that if 40% of the amount is allowed to be

withdrawn, then the interest of the State would be paralyzed.

5. I have considered the submissions of both the sides. In order to support the prayer for withdrawal of remaining 40% amount of compensation, there is absolutely no iota of evidence on record. There are no changes in the circumstances to consider the prayer. As such, the application cannot be considered.

6. The application is rejected.

(SHRIKANT D. KULKARNI, J.)

mta