

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9041 OF 2022
IN FIRST APPEAL NO. 1470 OF 2016

PRAKASH DINKAR DESHPANDE AND ANOTHER
VERSUS
SANDIPAN S/O PANDURANG KAMBLE AND ANOTHER

...
Advocate for Applicants : Mr. F.K. Patel
Advocate for Respondent No.2 : Mr. R.D. Reddy

....

CORAM : S.G. DIGE, J.
DATE : 15th July, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondent No.2.

2. Learned Counsel for applicants submits that, earlier this Court has permitted applicants to withdraw amount of Rs.8,00,000/- (Rupees Eight lacs only) out of deposited amount. There was marriage of daughter of applicants and they have spent the amount in the said marriage ceremony and they have borrowed the loan from the relatives. They need the amount to repay the amount of

handloan. Hence, requested to allow the applicants to withdraw the remaining amount.

3. Learned Counsel for respondent No.2 strongly objected to allow the application on the ground that, respondent No.3 has challenged the order of learned Tribunal on the ground that, compensation given is on higher side to the applicants. Hence, if applicants are permitted to withdraw the amount and respondent No.3 succeeds in the appeal, it would be difficult for respondent 3 to recover the amount from applicants. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel. Respondent No.3 has deposited the award amount of Rs.26,00,000/- (rupees Twenty Six lacs only) before this Court. This Court has allowed the applicants to withdraw Rs.8,00,000/- (rupees Eight lacs only) and by this application, the applicants are praying for withdrawal of amount on the ground of marriage of daughter of applicants. In my view, applicants have taken hand-loan for marriage ceremony

from relatives, they need the amount to refund the hand-loan. Respondent No.3 has deposited approximately Rs.26,00,000/- (rupees Twenty Six lacs only) before this Court. If 50% amount out of Rs.26,00,000/- (rupees Twenty Six lacs only) is permitted to withdraw, would meet the ends of justice. Applicants have already withdrawn Rs.8,00,000/- (rupees Eight lacs only), hence, applicants can be permitted further withdrawal of Rs.5,00,000/- (rupees Five lacs only) out of deposited amount. Hence, I pass the following order :-

ORDER

- a. Application is allowed.
- b. Applicants are permitted to withdraw Rs.5,00,000/- (rupees Five lacs only) out of deposited amount.
- c. First Appeal be listed on 21st September, 2022, for final hearing.

(S.G. DIGE, J.)