

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

**946 CIVIL APPLICATION NO.10187 OF 2022
IN FA/2102/2021**

NILABAI LAXMAN GAIWAL
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

...
Advocate for Applicant : Mr. Koralkar Arun H.
AGP for Respondent State : Mr. S. R. Yadav Lonikar
Advocate for respondent No.3 : Mr. S. S. Dande
....

**CORAM : S. G. DIGE, J.
DATE : 19.07.2022**

PER COURT :-

Heard learned counsel for the applicant and learned AGP and learned counsel Shri. Dande holding for Mr. Karlekar respondent No.3.

2. Learned counsel for the applicant submits that respondent No.3 has deposited entire award amount before this Court. In similar group of matters, this Court has allowed the applicant therein to withdraw 75% amount out of the deposited amount. Applicant is more than 70 years old. He needs money for his daily needs as well as for medical expenses. Hence requested to allow the application.

3. Learned counsel for respondent No.3 opposes to

allow the application on the ground that respondent No.3 has preferred appeal on various grounds. Unless appeal is decided, deposited amount cannot be given to the applicant.

4. I have heard both the learned counsel. Admittedly the land of the applicant is acquired by respondent No.3. Till date applicant has not received compensation. Applicant is more than 70 years old he needs money for daily business and as well as for medical expenses. In similar group of matters, this Court has permitted to withdraw 75% amount. Hence I pass the following order.

ORDER

- (I) Application is allowed.
- (ii) Applicant is permitted to withdraw 50% amount by giving undertaking.
- (iii) Applicant is permitted to withdraw 25% amount by furnishing solvent surety.
- (iv) Remaining 25% amount shall be deposited in fixed deposit.

**(S.G. DIGE,)
JUDGE**