

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

939 CIVIL APPLICATION NO.12594 OF 2022
IN FAST/11866/2016

ANKUSH RAOSAHEB KAWADE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

WITH
CIVIL APPLICATION NO. 12596 OF 2022
IN
FIRST APPEAL STAMP NO. 12042 OF 2016

KAMALBAI ANKUSH KAWADE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, OSMANABAD
AND OTHERS

...
Advocate for Applicant : Mr. A.R. Barate
AGP for Respondent Nos. 1 and 2 : Mr. S. S. Dande
Advocate for respondent No.3 : M.r. P. S. Patil

....

CORAM : S. G. DIGE, J.
DATE : 06.09.2022

PER COURT :-

Heard learned counsel for the applicant and learned
AGP and learned counsel for respondent No.3. Learned counsel
for the applicant submits that this Court (Coram : Mangesh.S.
Patil, J) by order dated 10th December, 2019 has permitted the
applicant therein to withdraw 75% amount out of deposited

amount. Hence same order be passed in this application.

2. The learned counsel for respondent No.3 submitted that this is third application for withdrawal filed by the applicant. Applicant is already allowed to withdraw 50% amount out of deposited amount. Thereafter application for withdrawal of remaining 50% is rejected by this Court on 9th February, 2022 and this is the third application for withdrawal of the amount. Hence requested to dismiss the application.

3. I have heard both the learned counsel. It is contention of the learned counsel for the applicant that this Court has permitted the applicants in connected group of matters to withdraw 75% amount. It is contention of the learned counsel for respondent No.2 that earlier application of the applicant for withdrawal of the amount is rejected by this Court hence this application cannot be entertained. In my view, if applicant was not aware about the order passed by this Court while filing the earlier application of withdrawal of the amount and in connected group of matters, the applicants therein are permitted to withdraw 75% amount hence applicant is also entitled to withdraw 75% amount on the basis of parity as applicant has already withdrawn 50% amount out of award

amount hence I pass the following order. :-

ORDER

- (I) Applicant is permitted to withdraw 50% amount along with accrued interest thereon on furnishing solvent surety out of remaining 50% amount on furnishing solvent surety.
- (ii) The Civil Application is disposed of.

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

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