

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

**910 CIVIL APPLICATION NO.11876 OF 2021
IN FA/2405/2016**

**MALLINATH GANGADHAR MAIRAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS**

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Mr. Ramesh Naikware, Advocate for the applicants.
Mr. S.N. Kendre, A.G.P. for respondent – State.
Mr. S.G. Sangle, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Heard rival submissions. The applicant who is original respondent No.8 in the main appeal, is seeking withdrawal of the amount of his share from the compensation amount which has been deposited by the appellant Acquiring Body. The record shows that this Court had permitted this applicant to withdraw his share in the 40% of the deposited amount earlier. Now the applicant is again seeking further withdrawal on account of his kidney disease.

2. Though the learned Counsel for appellant Acquiring Body strongly opposed such withdrawal on the ground that the Reference Court has granted exorbitant compensation, but

in the alternative, submitted that the share of the applicant in only 10% of the deposited amount can be given to him.

3. The earlier order of this Court dated 27th September 2018 passed for allowing earlier withdrawal indicates that there are now six claimants / respondents out of which Basweshwar has died and they are having one-sixth share each in the compensation amount. Under such circumstances, considering the ill health of the applicant, he is permitted to withdraw his one-sixth share from the 10% of the compensation amount at this juncture by furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

4. The Civil Application stands disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)