

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

CIVIL APPLICATION NO.1330 OF 2022 IN FAST/11866/2016

ANKUSH RAOSAHEB KAWADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

WITH

CA/1328/2022 IN FAST/12042/2016

KAMALBAI ANKUSH KAWADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

....

Mr. A.R. Barate, Advocate for the Applicants

Mr. A.B. Chate, AGP for Respondent Nos. 1 and 2

Mr. P.S. Patil, Advocate for Respondent No.3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 09th FEBRUARY, 2022

PER COURT:-

1. These are the applications moved by the applicants / original claimants seeking permission to withdraw the remaining 50% balance amount lying with this Court.

2. Heard Mr. Barate, learned counsel for the applicants / original claimants, Mr. Chate, learned AGP for respondent nos. 1 and 2 and Mr. P.S. Patil, learned counsel for respondent no.3 / acquiring body.

3. Mr. P.S. Patil, learned counsel for respondent no.3 / acquiring body strongly opposed to allow these applications. He submits that the applicants were allowed to withdraw 50% amount of the compensation vide order dated 08.01.2019. There is no need to allow these applications. He further submits that the lower Court has awarded compensation of 100 times more than the market price determined by the S.L.A.O.

4. On the other hand, Mr. Barate, learned counsel for the applicants submits that the applicants are in need of money on account of marriage in the family as well as to satisfy the medical expenses.

5. It is revealed during the course of argument that the claimants/ applicants have received 50% of the compensation, which is more than Rs.45,00,000/-, which is quite sufficient amount to satisfy the marriage as well as expenses for medical treatment. I do not find any genuine reason in these applications. The applicants / original claimants have already received 50% of the amount of compensation. The applications are without any merit.

6 Both the Civil applications are hereby rejected.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane