



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 4566 OF 2024
IN FA/3258/2016

BAPU MAHADU KOLI

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER-2, UPPER TAPI PROJECT,
HATNUR,

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Advocate for Applicant : Mr. D. B. Pokale

AGP for Respondents – State : Mr. D. B. Bhangre

Advocate for Respondent No.3 : Mr. Subhash Chillarge

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 03.05.2024

PER COURT :

1. Heard both sides.
2. By the present application, the applicant/original claimant prayed for permission to withdraw remaining amount of compensation deposited by the non-applicant No.3 / acquiring body on the ground that the applicant/ claimant is old aged person and he is in need of money.
3. Needless to say that on 12.12.2019 this Court already passed order in Civil Application No.14022/2019 in First Appeal No. 3258/2016 along with other connected matters and permitted the

applicant / original claimant to withdraw 25% amount on furnishing usual undertaking and 25% by solvent surety. Further, the present applicant / claimant already withdrawn some amount from the trial Court. Therefore, I do not find that the applicant is entitled for other remaining amount, because if the impugned Judgment and Award is reversed, in that circumstances it will not be possible to the acquiring body to recover the same.

4. Accordingly, the application is rejected.

(Y. G. KHOBRADE, J.)

shp