

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 378 OF 2022
IN FIRST APPEAL NO. 528 OF 2022

JIJARAM MAHADEO DOKE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER KUKADI LEFT BANK CANAL SUB
DIVISION KOLWADI AND ANOTHER

...
Advocate for Applicants : Mr. V.P. Sawant
Advocate for Respondent No.1 : Mr. G.B. Rajale
AGP for Respondent No.2 : Mr. A.B.Chate
....

CORAM : S.G. DIGE, J.
DATE : 8th September, 2022

ORDER :

1. Learned Counsel - Mr. V.P. Sawant submits that, earlier Mr. A.G. Talhar - learned Counsel was representing the applicants as applicants have engaged him to represent the applicants. Now the applicants have engaged Mr. V.P. Sawant - learned Counsel to represent the applicants hence, requested to take his name on record.

2. Considering the submissions of Mr. V.P. Sawant -

learned Counsel, his name be shown as Counsel for applicants.

3. Heard learned Counsel for applicants, learned A.G.P. for respondent No.2 and learned Counsel for respondent No.1.

4. Learned Counsel for applicants submits that, earlier this Court has permitted the applicants to withdraw the amount as there was medical emergency due to illness of father of applicant Nos.1 and 3. Applicants are in need of money for treatment of their father hence, requested to allow the application. Applicants have produced medical documents on record to show that, applicant's father is not keeping well.

5. Learned Counsel for respondent No.1 submits that, earlier this Court had permitted the applicants to withdraw the amount hence, this application cannot be entertained.

6. I have heard all the learned Counsel.

7. This Court has called the report of Dr. Suraj Sable, which is on record. The said report of Dr. Suraj Sable shows that, father of applicant Nos.1 and 3 is taking treatment. I find that, the reasons given in the application for withdrawal of amount are for medical treatment of father of applicant Nos.1 and 3 hence, I pass following order :-

ORDER

- (a) Applicants are permitted to withdraw amount of Rs.10,00,000/- (rupees ten lacs only) out of deposited amount on furnishing undertaking.
- (b) Applicants are permitted to withdraw amount of Rs.2,00,000/- (rupees two lacs only) out of deposited amount on furnishing solvent surety.
- (c) The Civil Application is disposed of.

[S.G. DIGE, J.]