

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5707 OF 2022
IN FIRST APPEAL NO. 1045 OF 2019

BADSHAH @ BASHUMIYAN ABBAS TAMBOLI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. L.C. Patil
AGP for Respondent Nos.1 and 2 : Mr. P.M. Kulkarni
Advocate for Respondent 3 : Mr. H.T. Gaikwad

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CORAM : S.G. DIGE, J.
DATE : 15th July, 2022

ORDER :

1. Heard learned Counsel for applicant, learned AGP for respondent Nos.1 and 2 and learned Counsel for respondent No.3.

2. Learned Counsel for applicant submits that, this Court has permitted the applicant to withdraw 50% amount out of deposited amount, by respondent No.3. The applicant is 85 years old person. Due to old age and Covid-19 situation he needs money for medical purpose as well as daily expenses purpose. Hence, requested to allow the applicant to withdraw 50% amount out of

deposited amount.

3. Learned Counsel for respondent No.3 submits that, reference Court granted ten times more amount than amount given by the Special Land Acquisition Officer. Applicant was permitted to withdraw the same hence, application be dismissed.

4. Applicant is 85 years old, his land is acquired by the respondent No.3. He has no source of income. He need amount for his medical expenses. If applicant is allowed to withdraw 25% amount out of remaining 50% amount by furnishing solvent surety, it would meet the ends of justice hence, I pass the following order :-

ORDER

- a. Application is allowed.
- b. Applicant is permitted to withdraw 25% amount with accrued interest thereon out of remaining amount by furnishing solvent surety.
- c. The Civil Application is disposed of.

(S.G. DIGE, J.)