

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

915 CIVIL APPLICATION NO.9854 OF 2022
IN FA/2955/2018 WITH CA/4975/2018 IN FA/2955/2018

AYYUB MUBARAK JINERI
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD
ANDANR

...
Advocate for Applicant : Mr. More Abhijit S.
AGP for Respondents: Mr. P. M. Kulkarni

**CORAM : S. G. DIGE, J.
DATE : 06.07.2022**

PER COURT :-

Heard learned counsel for the applicant. Learned counsel for the applicant submits that applicant has withdrawn 75% amount out of deposited amount by the respondent. The applicant seeking further withdrawal of the amount on account of medical exigencies, as the son of the applicant has been hospitalized and undergoing treatment regarding kidney transplantation. Both the kidneys of son of the applicant has been damaged and kidney replacement has been advised to the son of the applicant. The applicant has already been exhausted his saving upon the treatment of his son. The applicant son is getting for kidney transplant for that purpose huge amount is required therefore, the applicant is seeking permission to

withdrawal amount of compensation deposited by respondent acquiring body.

2. Learned AGP submits that this Court has already permitted the applicant to withdraw 75% amount hence further withdrawal cannot be permitted. Hence requested to dismiss the application.

3. Heard both the learned counsel. Perused the medical papers annexed with the application. These medical papers shows that both kidneys of the son of the applicant are damaged. The son of the applicant is hospitalized. As per say of the learned counsel for the applicant immediate operation of the kidney transplant is required to be done of the son of the applicant hence he needed the amount.

4. Considering the medical exigencies, in my view applicant can be permitted to withdraw the amount as the amount is required for medical purpose and I pass the following order

ORDER

- (I) Application is allowed.
- (II) Applicant is permitted to withdraw balance 25% of the amount out of deposited amount by furnishing solvent surety .

(III) Application is disposed of.

**(S.G. DIGE,)
JUDGE**

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