



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

**CIVIL APPLICATION NO.450 OF 2024 IN
FIRST APPEAL NO.2613 OF 2016**

Abdul Razak Abdul Attar

... APPLICANT

VERSUS

The State of Maharashtra & ors.

... RESPONDENTS

.....
Mr. A.B. Kale, Advocate for applicant
Mrs. U.S. Bhosle, A.G.P. for respondents
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 10th JANUARY, 2024

ORDER :

Heard. Issue notice to respondents returnable forthwith. Learned A.G.P. waives service for the respondents.

2. This is an Application for modification of the order dated 9/12/2016, whereby this Court has permitted the applicant to withdraw 75% of the amount deposited by the acquiring body in this Court, out of which 25% amount is permitted to be withdrawn on furnishing Bank guarantee of the like amount of any Nationalised or Scheduled Bank; and also to allow the applicant to withdraw the balance 25% amount of compensation which is kept in Fixed Deposit.

3. It is the applicant's contention that, he requires certain amount for medical expenses.

4. The learned A.G.P. for the respondents opposes the applications.

5. Considering the contentions in the applications, we modify the said order dated 9/12/2016, by replacing sub-para (c) of paragraph No.3 as under :

“(c) The applicant is permitted to withdraw further 25% amount on submitting solvent surety/ security to the satisfaction of the Registrar (Judicial) of this Court.”

6. We are not inclined to grant prayer clause (C) of the Civil Application for withdrawal of the balance 25% amount. The said prayer is rejected.

7. Civil Application stands disposed of in above terms.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-