



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

**931 CIVIL APPLICATION NO. 2090 OF 2025
IN FA/2956/2018**

**JABBAR JILANI JINERI AND ANR
VERSUS
THE STATE OF MAHARASHTRA**

....

Mr. Abhijit S. More, Advocate for the Applicant
Mr. R. B. Dhaware, AGP for the Respondent-State

....

CORAM : NEERAJ P. DHOTE, J.

DATE : 28.03.2025

PER COURT :-

1. This is an Application for withdrawal of the remaining balance amount deposited by the Acquiring Body.
2. It is submitted by the learned Advocate for the Applicant/Claimant that this Court had permitted him to withdraw 75% amount by order dated 2nd November, 2018. He further submits that the Applicant/Claimant has been diagnosed with cancer and has been hospitalized, and he is in need of money for his medical treatment. He submits that the Medical Certificate in this regard issued by the concerned hospital is enclosed with the Application. He further submits that in a similar matter, this Court by order dated 6th July 2022 in C.A. No. 9854 of 2022, allowed the Applicant/Claimant therein to withdraw the remaining balance amount deposited by the Acquiring Body for medical treatment. He submits that the Applicant is ready to furnish solvent security/surety against the withdrawal of the

remaining 25% amount.

3. The Application is opposed by the learned AGP. He submits that if the entire amount is allowed to be withdrawn nothing would survive in the Appeal. He submits that the Application be rejected.

4. After having heard both sides, and perusing the papers on record, and considering the fact that the other Claimant was allowed to withdraw the entire amount for his medical treatment, and when the Applicant is ready to furnish solvent security/surety against the withdrawal of the remaining amount, I see no impediment to grant the Application. Hence, the following order:

::ORDER::

(i) The Civil Application is allowed in terms of prayer Clause 'B' on the condition that the Applicant shall furnish solvent security/surety against the withdrawal of the remaining balance amount to the satisfaction of the Registrar (Judicial) of this Court.

(ii) Civil Application is disposed off accordingly.

[NEERAJ P DHOTE, J.]