



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO. 10125 OF 2025 IN FA/1926/2021
WITH
CIVIL APPLICATION NO. 10026 OF 2019 IN FA/1926/2021
WITH
FIRST APPEAL NO. 1926 OF 2021

MOHAN BHOJRAJ CHAVAN DIED THR LRS KASHIBAI MOHAN CHAVAN
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, UDGIR AND ANR

...
Advocate for Applicant : Mr. V. D. Gunale
Advocate for Respondent No.1 : Mr. Umakant P. Giri
AGP for Respondent No.2-State : Mr. S. P. Joshi
...

CORAM : ABHAY S. WAGHWASE, J.
DATED : 18 SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 10125 OF 2025

1. Civil Application No. 10125 of 2025 is filed by the legal representative of original claimant for permitting her General Power of Attorney (GPA) Amar Ramrao Patil, in whose favour the GPA is issued, to seek withdrawal and take necessary steps for withdrawal, as she is indisposed and incapacitated from herself appearing before the Court.

2. Learned counsel for the respondent acquiring body has no objection for such prayers subject to verification of papers and GPA. Learned APP also submits that only on due verification, there is no difficulty for allowing the GPA to withdraw amount on behalf of the legal representative of original claimant Mohan.

3. In view of above submissions and on going through the papers, it appears that this Court, vide order dated 06.09.2021 passed in Civil Application No. 1226 of 2020, has permitted the applicant to withdraw 75% of the amount in deposit, 50% out of it on submitting usual undertaking to the satisfaction of the Registrar (Judicial) and 25% on furnishing solvent surety/security/bank guaranty. Rest 25% amount appears to have been directed to be invested in Fixed Deposit.

4. Submissions advanced before this Court are that, applicant-claimant being 82 years old and having mobility problems, she has executed power of attorney in favour of Amar Ramrao Patil. Learned counsel has placed on record photocopy as well as original Power of Attorney.

5. The Registrar (Judicial) to verify the original as well as the photocopy and on due satisfaction, the GPA holder Amar Ramrao

Patil be allowed to withdraw the amount as directed by this Court vide order dated 06.09.2021. The Civil Application is accordingly disposed off.

CIVIL APPLICATION NO. 10026 OF 2019

6. This is an application by the acquiring body seeking stay to the execution and operation of the judgment and order impugned in the First Appeal.

7. For the reasons mentioned in the application, appeal being pending before this Court, and as already amount being deposited to the extent of 75%, the application is allowed in terms of prayer clause “B” and disposed off accordingly.

FIRST APPEAL NO. 1926 OF 2021

8. Heard.

9. **Admit.**

10. Call record and proceedings.

11. Place the matter for hearing on 02.12.2025.

[ABHAY S. WAGHWASE, J.]