



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9094 OF 2025
IN FA/2236/2021

Sandipsingh Rajendrasingh Pardeshi And Others
VERSUS
The Ex. Engineer, M.I.W., Jalgaon And Others

- ...
- Mr. A. B. Kale, Advocate for Petitioners
 - Mrs. U. S. Bhosale, AGP for Respondent/s - State
 - Mr. S. S. Chillarge, Advocate for Respondent Nos. 1 and 4 - Absent
- ...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATE : OCTOBER 01, 2025

PER COURT:

1. Not on board. On mentioning, taken on board.
2. The present application is filed with following prayers :
 - "A) To allow this Civil Application
 - B) To permit the applicant to withdraw the amount of compensation as directed by order dated 11.07.2025 through GPA - Applicant no. 2
 - B-1) To permit Applicant No. 1 to furnish undertaking through Applicant No. 2 GPA holder as directed by order dt 11/07/2025. The amount permitted to be withdrawn be transferred to the joint account of applicant no 1 and 2
 - C) An affidavit may kindly be dispensed with earlier affidavit.
 - D) Any other suitable relief as this Hon'ble Court may deem fit appropriate in the interest of justice."

3. Applicants filed Civil Application No. 1586 of 2025 seeking permission to withdraw the compensation amount. By order dated 11.07.2025 the said application was allowed and applicants/claimants were permitted to withdraw 50% amount deposited along with the accrued interest thereon.

4. At the time of hearing of the civil application no. 1586 of 2025 it was revealed that applicant no. 1 is suffering from mental illness and is of unsound mind. We, therefore, directed the applicants to produce the General Power of Attorney (GPA) executed by applicant no. 1 in favour of applicant no. 2. Copy of GPA dated 11.04.2012 is produced on record and it was also revealed that nobody is looking after applicant no. 1, not even his family members.

5. In the present civil application following statements are made.

"4. That the Applicant No.1 is suffering from mental illness and is of unsound mind, and hence he's unable to look after his own affairs, including conduct of litigation and financial matters, for which Applicant No. 1's, Medical Documents regarding the mental illness is Annexed herewith and marked as EXHIBIT "C" is the copy of Medical Certificate.

5. That the Applicant No.2 is the legally appointed General Power of Attorney (GPA) holder of Applicant No.1 and is duly authorized to act on his behalf in the present proceedings as well as financial transactions, including withdrawal of decretal amounts.

6. That the Applicants now seek permission of this Hon'ble Court to withdraw the said deposited amount through Applicant No.2, who is acting as the GPA holder of Applicant No.1, as he is incapable of managing his affairs.

7. That the withdrawal is sought for bonafide purposes and the Applicant No.2 undertakes to utilize the amount in the best interest and welfare of Applicant No.1."

6. It is pertinent here to note that the present civil application is not verified.

7. During the hearing of the present civil application it is revealed that civil application no. 1586 of 2025 was sworn by applicant no. 1 who is admittedly of unsound mind and suffering from mental illness from 2017. Learned advocate for the applicants ought to have brought this aspect to the notice of this Court and should not have filed affidavit of applicant no. 1 in support of the civil application.

8. Since civil application no. 1586 of 2025 was sworn by a person of unsound mind, we recall the order passed by us on 11.07.2025. Civil Application No. 1586 of 2025 and Civil Application No. 9094 of 2025 are **rejected**.

[VAISHALI PATIL-JADHAV, J.] [NITIN B. SURYAWANSHI, J.]