



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9181 OF 2025
IN FIRST APPEAL/734/2018

Suresh Sarjerao Bhosale

... Applicant

Versus

The State of Maharashtra and others

... Respondents

.....

Mr. L. C. Patil, Advocate for Applicant.

Mrs. A. S. Mantri, AGP for Respondent – State.

Mr. A. S. Shelke, Advocate for Respondent No.3.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 12 SEPTEMBER 2025

ORDER :

1. Present application is filed for withdrawal of remaining compensation deposited by acquiring body along with interest thereon is at the instance of original claimant on account of acquisition of his land by respondent authorities.

2. Learned counsel for applicant pointed out that, present applicant has preferred First Appeal No.734 of 2018 and the same is pending. He further pointed out that prayer of respondent for stay are already considered and granted by this court on condition of depositing entire decretal amount. That, the said amount is already deposited in consequence of order dated 28.04.2017, a copy of which is placed on record. Learned counsel further pointed out that, previously also present

applicant had moved Civil Application No.14256 of 2017 seeking permission to withdraw 50% amount. Copy of Civil Application which was allowed is also placed on record. He further pointed out that, applicant is almost 53 years of age and he is said to be suffering from “Vestibular Migrane, Hypertension”. It is submitted that, applicant needs regular medical check up and treatment. Learned counsel invited attention of this court to the medical papers annexed with the civil application and further points out that there is no other source of income of applicant. Therefore, he prays for withdrawal of the remaining compensation lying in this court by imposing appropriate conditions.

3. Learned counsel Mr. Shelke for respondent - acquiring body strongly opposed on the ground that appeal is still pending. Respondent authorities also intends to contest the appeal. He further submitted that, applicant has already withdrawn 50% amount of compensation and if application is allowed, nothing would survive in the first appeal.

4. Considering the age and the nature of the ailments, this court does not find it a fit case for withdrawal of remaining amount of compensation.

5. The civil application is rejected.

(ABHAY S. WAGHWASE, J.)