



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9180 OF 2025
IN FIRST APPEAL/729/2018

Sarjerao S/o. Harischandra Bhosale ... Applicant

Versus

The State of Maharashtra ... Respondent

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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.729 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.14254 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 84 years of age and he has serious heart ailments and he 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, who is already heart patient and he needs funds for treatment and medical etc. 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. However, learned counsel fairly submitted that they have already deposited decretal amount in view of order passed in civil application for stay.

4. After considering the papers annexed herewith of Dr. Anupam Shah, it is emerging that, treating doctor has certified present applicant, who is 84 years of age, to be undergoing treatment for post PTCA stent to LAD in 2009 with post PTCA to CX in 2022.

5. Discharge summary dated 24.01.2025 is also placed on record, which shows that the present applicant was admitted on account of chest pain, and such papers indicate that he is undergoing treatment for heart related ailments. Therefore, prayers raised for withdrawal also deserves to be granted.

6. In view of above, applicant is permitted to withdraw the remaining compensation amount along with accrued interest thereon, i.e. 50% of the amount on furnishing usual undertaking and 50% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

7. The civil application is disposed off accordingly.

(ABHAY S. WAGHWASE, J.)