

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 7109 OF 2022
IN
FIRST APPEAL NO. 2935 OF 2018

HEMANT CHAMAKRAO TANPURE
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
AND ANOTHER

....
Advocate for the Applicant : Mr. D.R. Jayabhar
A.G.P for Respondent-State : Mr. A. B. Chate
....

CORAM : S. G. DIGE, J.
DATE : 21.06.2022

PER COURT :-

Heard learned counsel for the applicant and learned A.G.P. and advocate for respondent No.2.

2. Learned counsel for the applicants submits that the applicants are original claimant in the Land Acquisition proceeding. The possession of the applicant's land was taken in the year 1988, the Notification under Section 4 was issued on 30.12.1993 and Notification under Section 6 was issued on 04.02.1999, thereafter Award was passed on 01.03.2000. The said award was challenged by filing the Reference under Section 18 of the Act before the Reference Court and same was partly

allowed by the learned reference Court by the Judgment and award dated 4th September, 2010 and the same is challenged by respondent No.2 by filing First Appeal and same is admitted and pending for further adjudication.

3. Respondent No.2 has deposited entire amount as per the Judgment and award. Applicants are in need of money for the education of their children and medical expenses. The applicants are age-old person, who have lost their land and awaiting for compensation since last 20 years. Hence applicants be permitted to withdraw the amount of their shares.

4. Learned counsel for respondent No.2 objected for withdrawal of the amount.

5. Considering the submission advanced by the learned counsel for the applicants as well as applicant are in need of money for education and for medical purpose hence I pass the following order.

6. The applicants are permitted to withdraw 50% of the amount out of deposited amount as per their share. The amounts which come to the share of the applicants be

transferred to the reference Court i.e. District Court Ahmednagar for disbursement.

(S.G. DIGE, J)
JUDGE

ysk