

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

949 CIVIL APPLICATION NO.7199 OF 2022
IN FIRST APPEAL NO.1095 OF 2021
WITH CA/7201/2022 IN FA/1097/2021
WITH CA/7202/2022 IN FA/1096/2021
WITH CA/7204/2022 IN FA/1094/2021

BHANUDAS GOVINDRAO MORE (DIED) THROUGH L.Rs.
RADHABAI W/O BHANUDAS MORE
VERSUS
THE EXECUTIVE ENGINEER, LATUR MINOR IRRIGATION
DIVISION, LATUR & ANOTHER

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Advocate for Applicants : Mr.Ashwin V.Sakolkar h/f.
Mr.H.B.Nandagavale
AGP for Respondent-State : Mr.P.M.Kulkarni
Advocate for Respondent no.1 : Mr.B.R.Survase

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CORAM : S.G.DIGE, J.
DATE : 30.06.2022

P.C. :

1] Heard the learned counsel for the applicants
and the learned counsel for respondent no.1.

2] The learned counsel for the applicants submits
that respondent no.1 has deposited 80% of the amount out
of total amount as per the judgment and award of the
learned Reference Court before this Court. The applicants
are poor agriculturists. Source of income of the applicants
was agricultural land, which is acquired by respondent no.1.
The applicants are facing financial crisis. As there is no

other source of income to the applicants, the applicants are required money for medical purposes also. Respondent no.1 has deposited 80% amount out of the total amount. In connected matters, the applicants therein have withdrawn the entire amount deposited before the Executing Court, hence, applicants be permitted to withdraw the amount.

3] The learned counsel for respondent no.1 submits that this Court may pass appropriate order.

4] Considering the submissions of both the learned counsel as well as the applicants have not received the compensation after acquiring their land. The lands of applicants were acquired in the year 2005. Since then, the applicants are waiting for compensation. Respondent no.1 has deposited 80% amount out of the total amount, hence, applicants can be permitted to withdraw the amount. I pass the following order :-

ORDER

i] Applications are allowed.

ii] The applicants are permitted to withdraw the entire amount deposited by the respondent no.1 by giving undertaking.

**[S.G.DIGE]
JUDGE**