

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 10764 OF 2022
IN FIRST APPEAL (ST) NO. 7666 OF 2020
WITH CA/10765/2022 IN FAST/7770/2020
WITH CA/10799/2022 IN FAST/7756/2020**

RAM RAJARAM KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
LATUR AND OTHERS

...
Advocate for Applicants :Mr. G.K. Sontakke & Mr. P.G. Sontakke
AGP for Respondent Nos.1 and 2 : Mr. S.S. Dande
Advocate for Respondent No.3 : Mr. S.M. Ganachari
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CORAM : S.G. DIGE, J.
DATE : 25th July, 2022

ORDER :

. Heard learned Counsel for applicants, learned A.G.P. for respondent Nos.1 and 2 and learned Counsel for respondent No.3.

2. Learned Counsel for applicants submits that, respondent No.3 has preferred appeal against the judgment and award passed by learned Reference Court and has deposited 80% amount out of award amount

before this Court. The applicants are poor farmers and they have no source of income except agricultural land. Applicants are facing financial problems. The land of applicants are acquired in the year 2005 since then applicants have not received the compensation. Applicants being Karta of their family, they are duty bound to cater the daily needs of their family members. Hence, applicants need the amount and requested to allow the applications.

3. Learned Counsel for respondent No.3 submits that, respondent No.3 has challenged the impugned order on various grounds. If the applicants are permitted to withdraw the amount and respondent No.3 succeeds in the appeal, it would be difficult for respondent No.3 to recover the amount. Hence, requested to dismiss the applications.

4. I have heard learned Counsels. Applicant's lands are acquired in the year 2005. Applicants are farmers and their only source of income is agricultural lands which is

acquired by respondent No.3. Applicants are facing financial crisis as money is not available with them. The grounds raised in the Appeals can be considered at the time of final hearing. Hence, I pass following order :-

ORDER

- a) Applicants are permitted to withdraw 50% amount out of deposited amount by furnishing usual undertaking before the learned Registrar (Judicial).
- b) Applicants are permitted to withdraw 30% amount by furnishing solvent surety/security.
- c) The Civil Applications are disposed of.

[S.G. DIGE, J.]