

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

950 CIVIL APPLICATION NO.11232 OF 2022
IN FA/917/2020

PHULABAI SAUDAGAR KEDAR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD & OTHERS

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Advocate for Applicant : Mr.R.V.Naiknavare
AGP for Respondent-State : Mr.P.M.Kulkarni
Advocate for Respondent no.1 : Mr.S.M.Ganachari

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CORAM : S.G.DIGE, J.
DATE : 13.09.2022

P.C. :

1] Heard the learned counsel for the applicant, learned AGP and the learned for respondent no.1.

2] The learned counsel for the applicant submits that the applicant's land is acquired by respondent no.1 in the year 1993 since then the applicant has not received any compensation amount. The learned counsel further submits that the applicant is ready to withdraw 25% amount out of deposited amount. The applicant is a poor agriculturist. She needs amount for her daily expenses, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that the Reference Court has granted excessive compensation, which is challenged by the respondent before this Court by way of appeal. On earlier 3 occasions, the application of the application for withdrawal of the amount is rejected by this Court. No new ground is mentioned for withdrawal of amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. Admittedly, the land of the applicant is acquired by respondent no.1. The dispute raised in appeal by respondent no.1 that the compensation awarded to the applicant is excessive compensation. The applicant is poor agriculturist. She needs the amount for her daily expenses. If 25% amount is permitted to withdraw the amount out of deposit amount, would meet ends of justice, hence, I pass the following order:-

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 25% amount along with accrued interest thereon on furnishing undertaking.

- iii] Civil Application is disposed of accordingly.
- iv] List the Appeal on 14th October, 2022.

[S.G.DIGE]
JUDGE

DDC