

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7201 OF 2020
IN FIRST APPEAL NO. 3651 OF 2019
WITH CA/7198/2020 IN FA/3652/2019

HARI TATYA BORADE (DIED) THR SAMPAT (DIED) THR
AMBADAS
VERSUS
THE GMIDC LTD AURANGABAD THR THE EXECUTIVE
DIRECTOR AND THE EXECUTIVE ENGINEER LOWER
DUDHANA PROJECT AND OTHERS

...
Advocate for Applicant : Mr. More Kumar G.M.
AGP for Respondent Nos.2 and 3 : Mr. P.M. Kulkarni
Advocate for Respondent No.1 : Mr. Anand Chawre

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CORAM : S.G. DIGE, J.
DATE : 15th July, 2022

ORDER :

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

2. Learned Counsel for applicants submit that, applicants have already withdrawn 50% amount of the award. The respondent has challenged the order of

learned Reference Court and has deposited remaining 50% amount before this Court. The applicants are poor person. The applicant's lands are acquired by respondent. Applicants have no other source of income. The applicants are fighting their claims since many years. Applicant needed money for medical treatment and other expenses. No proper compensation is awarded to the applicant, hence requested to withdraw remaining 50% amount out of the deposited amount, by the respondent.

3. Learned Counsel for respondent No.1 strongly objected to allow the applications on the ground that, learned Reference Court has granted excessive and exorbitant amount of compensation to the applicants and the same is challenged before this Court. Unless and until appeals are decided, applicant cannot be permitted to withdraw the said amount.

4. Learned Counsel further submits that, applicants have already withdrawn 50% amount hence, requested to dismiss the application.

5. I have heard both the learned Counsel. The lands of the applicants were acquired in the year 2000, thereafter, applicant had filed reference before the learned Reference Court for enhancement. Accordingly the amount was enhanced by the learned reference Court. The same are challenged by the respondent. Applicants are poor farmers, they needed the amount for their medical treatment and daily expenses. Issue raised by the respondent No.1 can be considered at the time of final hearing and if applicants are directed to furnish solvent surety for withdrawal of amount, it would meet ends of justice. Hence, I pass the following order :-

ORDER

- a) Applicants are permitted to withdraw remaining 50% amount out of deposited amount with accrued interest thereon on furnishing solvent surety.
- b) Civil Applications are disposed of.

(S.G. DIGE, J.)