

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

934 CIVIL APPLICATION NO.11332 OF 2022
IN FIRST APPEAL NO.1048 OF 2022

EKNATH SANDU PATIL & ANOTHER
VERSUS
THE DISTRICT COLLECTOR, JALGAON & OTHERS

WITH
CIVIL APPLICATION NO.11331 OF 2022
IN FIRST APPEAL NO.1049 OF 2022

CHINTAMAN ARJUN BHONDE
VERSUS
THE DISTRICT COLLECTOR, JALGAON & OTHERS

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Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.A.B.Chate
Advocate for Respondent nos.4 and 5 : Mr.A.D.Pawar

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CORAM : S.G.DIGE, J.
DATE : 18.08.2022

P.C. :

1] Heard the learned counsel for the applicants, learned AGP and learned counsel for respondent nos. 4 and 5.

2] The learned counsel for the applicants submits that respondents have challenged the judgment and award passed by the Reference Court, Jalgaon on various grounds and has deposited entire award amount before this Court. The applicants are the poor agriculturists. Deceased was the

karta and only earning member in the family of the applicants. After death of deceased, the applicants are facing starvation and they are facing hurdles for their day to day activities, hence, requested to allow the application.

3] The learned counsel for respondents objected for withdrawal of amount. If this Court permitted the applicants to withdraw the amount and respondents succeed in the appeal then it would be difficult for respondents to recover the amount, hence, requested to dismiss the applications.

4] I have heard both learned counsel. The Reference Court has passed the impugned judgment and award in favour of the applicants. The applicants are the poor agriculturists. There is no source of income to the applicants' family. Deceased was the karta of the family of the applicants. They require money for their day to day activities. Hence, hence, I pass the following order :

ORDER

i] The application is allowed.

ii] The applicants are allowed to withdraw 25% amount along with accrued interest on furnishing undertaking and 25% amount along with accrued interest on furnishing solvent surety.

iii] Civil Applications are disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC