

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.11405 OF 2022
IN FIRST APPEAL (ST) NO. 19962 OF 2020
WITH CA/11406/2022 IN FAST/19978/2020
WITH CA/11407/2022 IN FAST/19950/2020
WITH CA/11408/2022 IN FAST/19966/2020
WITH CA/11409/2022 IN FAST/19985/2020
WITH CA/11410/2022 IN FAST/19956/2020
WITH CA/11411/2022 IN FAST/17247/2020**

USHATAI W/O MANKRADWAJ POLE
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
PARBHANI AND OTHERS

...
Advocate for Applicant : Mr. M.P. Kale
AGP for Respondent Nos.2 and 3 : Mr. S.S. Dande (in all)
Advocate for Respondent No.1 : Mr. R.C. Patil
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CORAM : S.G. DIGE, J.
DATE : 12th August, 2022

ORDER :

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

2. Learned Counsel for applicant submits that, applicant's land is acquired by the respondent No.1. The

Reference Court has awarded compensation to the applicant. The said judgment and award is challenged by the respondent No.1 and has deposited entire award amount before this Court. Applicant is poor agriculturist, whose only source of income and livelihood have been acquired by the respondents. The possession of land of applicant is taken long back. Since then the applicant is suffering from starvation.

3. Now a day there is drought situation in the area of the applicant. Therefore, the applicant is not getting day to day daily work in the field and has facing problems to fulfill her daily needs. The applicant Ushatai Mankradwaj Pole is aged about 39 years old lady and she is suffering from various diseases. Therefore, for taking medical treatment, the applicant is in need of the amount. The applicant is ready to comply any condition imposed upon them at the time of allowing the applicants to withdraw the amount. Hence, requested to allow the application.

4. Learned Counsel for respondent No.1 submits that,

exorbitant amount is granted by the learned Reference Court. The respondent No.1 has challenged the order passed by the learned Reference Court on various grounds. If respondent No.1 succeeds in appeal then it would not be possible for respondent No.1 to recover the amount from the applicant. Hence, requested to dismiss the application.

5. I have heard all the learned Counsels.

6. Admittedly, the land of applicant's is acquired by respondent No.1. Applicant Ushatai has not received compensation, her only source of income was acquired land. She needs amount for her day to day business. She is ready to comply order by this Court. Hence, I pass the following order :-

ORDER

- (a) Applicant is permitted to withdraw 25% amount out of deposited along-with accrued interest thereon on furnishing usual undertaking before learned Registrar (Judicial)

of this Court.

- (b) Applicant is permitted to 25% amount out of deposited along-with accrued interest thereon on furnishing solvent surety.
- (c) The Civil Applications are disposed of.

(S.G.DIGE, J.)