

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

951 CIVIL APPLICATION NO.12014 OF 2022
IN FIRST APPEAL STAMP NO.5854 OF 2020

RAMESH SHAMRAO KOLI & OTHERS
VERSUS
THE EX. ENGINEER, GIRNA CANNEL RENOVATION
DIVISION- 2, JALGAON & ANOTHER

...
Advocate for the applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.P.M.Kulkarni
Advocate for Respondent nos.1 and 2 : Mr.A.D.Pawar

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

P.C. :

1] Heard the learned counsel for the applicants, learned AGP and learned counsel for respondent nos.1 and 2.

2] The learned counsel for the applicants submits that the land is acquired by respondent nos.1 and 2. The applicants are poor agriculturists. The Reference Court has enhanced the compensation to the applicants but till the date they have not received the amount. The applicants are not having any source of income. They need money for their survival, hence, requested to allow the application.

3] The learned counsel for respondent nos.1 and 2 submits that exorbitant enhancement is awarded by the Reference Court, which is challenged by the respondents. If the applicants are permitted to withdraw the amount and the respondents succeed in the appeal, it would be difficult for the respondents to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. Admittedly, the land of the applicants are acquired by respondent nos.1 and 2. The applicants are the poor agriculturists. The amount is enhanced by the Reference Court. The respondents have deposited 25% amount along with interest out of total award amount. The applicants need the amount for their daily expenses. Hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw the amount deposited by respondent nos.1 and 2 along with accrued interest thereon on furnishing undertaking.

iii] Civil Application is disposed of accordingly.

Iv] List the matter on 3rd October, 2022.

[S.G.DIGE]
JUDGE

DDC