

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11766 OF 2022
IN FIRST APPEAL (ST) NO. 2666 OF 2022

JAGANNATH BHAGWAN TANDALE AND OTHERS
VERSUS
UNION OF INDIA THR THE G.M.C.R. CST MUMBAI AND
ANOTHER

...
Advocate for Applicants : Mr. S.B. Bhosle
Advocate for Respondent Nos.1 and 2 : Mr. A.V. Soman h/f.
Mr. D.V. Soman
AGP for Respondent Nos.3 and 4 : Mr. P.M. Kulkarni
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CORAM : S.G. DIGE, J.

DATE : 8th September, 2022

ORDER :

. Heard learned Counsel for applicants, learned A.G.P. for respondent Nos.3 and 4 and learned Counsel for respondent Nos.1 and 2.

2. Learned Counsel for applicants submits that, applicants are poor agriculturist. Their lands are acquired by respondent Nos.1 and 2 in the year 2001 since then applicants have not received any compensation amount.

The applicants are needed amount for their daily expenses. Hence, requested to allow the application.

3. Learned Counsel for respondent Nos.1 and 2 submits that, exorbitant compensation is given by the Reference Court. The order passed by the Reference Court is challenge by the respondents on various grounds and if respondents succeeds in their appeal, it would be difficult for respondent Nos.1 and 2 to recover the amount from applicants. Hence, requested to dismiss the application.

4. I have all learned Counsel. The applicant's lands are acquired by respondent Nos.1 and 2, they needed amount for their daily expenses. They are poor agriculturist. Hence, I pass the following order :-

ORDER

- (a) The Civil Application is allowed.
- (b) Applicants are permitted to withdraw 50% amount along-with accrued interest thereon on furnishing usual undertaking.

- (c) Applicants are permitted to withdraw 25% amount along-with accrued interest thereon on furnishing solvent surety.
- (d) The Civil Application is disposed of.

[S.G. DIGE, J.]