

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 11048 OF 2022
IN FIRST APPEAL (ST) NO. 2444 OF 2020
WITH CA/11049/2022 IN FAST/2454/2020**

SHIVAJI TRIMBAK GORDE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION -
1 AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. A.M. Hajare
Advocate for Respondents : Mr. R.C. Patil
....

CORAM : S.G. DIGE, J.
DATE : 19th September, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondents.

2. Learned Counsel for applicants submits that, applicant's lands are acquired by the respondents since then applicants are not received any compensation amount. The Reference Court has enhancing the amount and passed the order. Thereafter, respondents have preferred the appeal. Applicants are poor agriculturist,

they required the amount for their daily expenses. Hence, requested to allow the applications.

3. It is contention of learned Counsel for respondents that, Reference Court has awarded more compensation. As per the order of this Court respondents have deposited amount, if applicants are permitted to withdraw this amount and if respondents succeeds in the appeal then it would be difficult for respondents to recover the amount applicants. Hence requested to dismiss the applications.

4. I have heard both the learned Counsel. Admittedly, lands of the applicants are acquired by the respondents since then they have not received any compensation amount. Applicants are poor agriculturists and they needed amount for their daily expenses. Hence, I pass the following order :-

ORDER

- (a) Applications are allowed.
- (b) Applicants are permitted to withdraw 50% amount along-with accrued interest thereon

out of deposited amount on furnishing usual undertaking.

- (c) Remaining amount be deposited in Fixed Deposit of any nationalized bank.
- (d) The Civil Applications are disposed of.

[S.G. DIGE, J.]