

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12238 OF 2022
IN FIRST APPEAL NO. 1243 OF 2018
WITH CA/12155/2022 IN FA/676/2018
WITH CA/12154/2022 IN FA/678/2018

PANDURANG DASHRATH TAYDE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
NO.1 AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. A.M. Hajare
Advocate for Respondent No.1 : Mr. B.R. Surwase
AGP for Respondent No.2 : Mr. A.B. Chate
....

CORAM : S.G. DIGE, J.
DATE : 5th September, 2022

ORDER :

. Heard learned Counsel for applicants, learned Counsel for respondent No.1 and learned A.G.P. for respondent No.2.

2. The learned Counsel for the applicants submits that, the award amount is deposited by the respondent No.1 before the Reference Court. The said amount is deposited by the respondent No.1 after nine (09) years of passing of

the judgment and award. The learned Counsel for the applicants submits that, Reference Court has enhanced compensation. It is challenged by respondent No.1. Applicants are poor farmers, they need amount for their daily expenses. Hence, requested to allow the application.

3. The learned Counsel for the respondent No.1 submits that, respondent No.1 disputes the interest given on the amount. If the applicants permitted to withdraw the amount and if respondent No.1 succeeds in this appeal then it would cause complexity.

4. I have heard all learned Counsel. The Reference Court has passed the judgment and order in the year 2013 directing respondent No.1 to give compensation to the applicants. After passing the said judgment and order, the respondents have taken 9 years time to deposit the said amount before the Reference Court. The Reference Court has granted enhanced compensation to the applicants. Respondent No.1 is disputing the interest on the given amount. Applicants are poor farmers, they need

amount for their daily expenses hence, I pass the following order :-

ORDER

- i) The Civil Applications are allowed.
- ii) The applicants are permitted to withdraw 75% amount out of deposited amount with usual undertaking before the Reference Court i.e. Civil Judge, Senior Division, Vaijapur.
- iii) Civil Applications are disposed of accordingly.

[S.G. DIGE, J.]