

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

CIVIL APPLICATION NO. 12388 OF 2022
IN
FIRST APPEAL STAMP NO. 24498 OF 2020

YADAV MADHAV JADHAV
VERSUS
THE EX. ENGINEER, IRRIGATION
PROJECT MAJBUTKARAN DIVISIONA
OMERGA AND ANOTHER

WITH
CIVIL APPLICATION NO. 12389 OF 2022
IN
FIRST APPEAL STAMP NO. 2501 OF 2020

KESHAV MADHAV JADHAV
VERSUS
THE EXE. ENGINEER, IRRIGATION PROJECT
MAJBUTIKARAN DIV. OMERGA AND ANOTHER

....
Advocate for the applicants : Mr. G. B. Rajale
Advocate for respondent No.1 : Mr. G. B. Rajale
AGP for Respondent Nos. 2 and 3 : Mr. A. B. Chate
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**CORAM : S. G. DIGE, J.
DATE : 29.08.2022**

PER COURT :-

Learned counsel Mr. G. B. Rajale submits that, he is appearing on behalf of acquiring body, hence his name be taken as counsel for appellants.

2. Heard learned counsel for the applicants.

3. Learned counsel for the applicants submits that,

respondent No.1 has deposited 75% amount out of entire award amount before this Court. Applicants are poor agriculturists. They have no source of income. Their lands are acquired in the year 2003. Since then they have not received any compensation. Hence requested that the application be allowed.

4. Learned counsel for respondent No.1 submits that, the Reference Court has granted exorbitant amount as compensation to the applicants, which is disputed by respondent No.1 by preferring this appeal. If the applicants are permitted to withdraw the amount and respondent No.1 succeed in the appeal, it would be difficult for respondent No.1 to recover the said amount. Hence requested to dismiss the application.

5. I have heard all learned counsel. Admittedly, lands of applicants are acquired by respondent No.1 in the year 2003. Since then applicants have not received any amount of compensation. Hence I pass the following order.

ORDER

- (1) The application is allowed.
- (2) Applicants are permitted to withdraw 50% amount along

with accrued interest thereon out of deposited amount on furnishing undertaking. Applicants are permitted to withdraw remaining 25% amount along with accrued interest thereon on furnishing solvent surety/ security.

**(S.G. DIGE,)
JUDGE**

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