

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

955 CIVIL APPLICATION NO.12308 OF 2022
IN FAST/23764/2020

MAHADEO @ SUDHAKAR S/O.TUKARAM KADAM
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MINOR
IRRIGATION SUB-DIVISION, OSMANABAD & OTHERS

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Advocate for the applicant : Mr.R.K.Ashtekar
AGP for Respondent-State : Mrs.D.S.Jape
Advocate for Respondent no.1 : Ms.Surekha G.Chincholkar

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CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Heard the learned counsel for the applicant, learned AGP for the respondent-State and learned counsel for respondent no.1.

2] The learned counsel for the applicant submits that the land of the applicant is acquired by respondent no.1. The judgment and award passed by the Reference Court is challenged by respondent no.1 and has deposited 75% amount out of the award amount before this Court. The applicant is poor agriculturist. His only source of income was land, which is acquired by respondent no.1. Hence, applicant is facing difficulty in day to day life. The applicant needed money for his daily expenses, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that respondent no.1 has challenged the impugned judgment and award on various grounds. If the applicant is permitted to withdraw the amount and respondent no.1 succeeds in the appeal, it would be difficult for respondent no.1 to recover the amount, hence, requested to dismiss the application.

4] I have heard all learned counsel. Admittedly, the land of the applicant is acquired by respondent no.1 in the year 2005, since then the applicant has not received any compensation. The applicant needs money for his daily expenses, hence, I pass the following order:-

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount by respondent no.1 on furnishing undertaking. The applicant is permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount by respondent no.1 on furnishing solvent surety / security.

iii] Remaining amount shall be kept in Fixed Deposit in any Nationalized Bank. Respondent no.1 is directed to deposit the remaining 25% amount as early as possible, preferably within eight weeks.

iv] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC