

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

**CIVIL APPLICATION NO.12631 OF 2022
IN FA/2869/2022**

CHAGAN SONA GORE (DIED) THR LRS KESHARBAI (DIED)
THR LRS. GORAKH AND OTHERS

VERSUS

THE EX. ENGINEER, N.M.C., DIV. VAIJAPUR THR GMIDC,
AURANGABAD AND ANR

...

Mr. Zia Ul Mustafa, Advocate for the Applicants.
Mr. S. N. Morampalle, AGP for Respondents-State.
Mr. M. C. Swami, Advocate for Respondent No.1.

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CORAM : S. G. DIGE, J.

DATED : 14th OCTOBER, 2022.

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for respondent no.1.

2. The learned counsel for the applicants submits that, the applicants' lands are acquired by respondent no.1. Since acquisition of lands, applicants have not received any compensation. The compensation awarded by Reference Court is within four times. The applicants are facing financial crisis. They need amount for their day to day expenses. Hence, requested to allow the application.

3. It is the contention of the learned counsel for respondent no.1 that, excessive compensation is granted by the Reference Court.

The amount granted as compensation to the trees are also excessive. It is challenged before this Court by way of Appeal. Hence, requested to dismiss the application.

4. I have heard all the learned counsels.

5. The lands of the applicants are acquired by respondent no.1. The applicants need amount for their day to day expenses. They have no other source of income. Only 75% amount out of entire award amount is deposited before this Court. Hence, I pass the following order:

ORDER

- a. Application is allowed.
- b. Applicants are permitted to withdraw 60% amount alongwith accrued interest thereon out of 75% deposited amount on furnishing undertaking.
- c. Civil Application is disposed of.

(S. G. DIGE)
JUDGE