

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12498 OF 2022
IN FIRST APPEAL NO. 394 OF 2018

VASANT RAJARAM MUGALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. B.K. Pawar
AGP for Respondent Nos.1 and 3 : Mr. P.M. Kulkarni
Advocate for Respondent No.2 : Mr. P.R. Tandale
....

CORAM : S.G. DIGE, J.
DATE : 6th October, 2022

ORDER :

. Heard learned Counsel for applicants, learned A.G.P. for respondent Nos.1 and 3 and learned Counsel for respondent No.2.

2. Learned Counsel for applicants submits that, lands of the applicants are acquired by the respondent No.2 for storage tank, since acquisition of the lands applicants have not received compensation amount. Applicants needed amount for their daily expenses. Hence,

requested to allow application.

3. Learned Counsel further submits that, this Court in connected group of matters permitted the applicants to withdraw the amount by order dated 29th July, 2022.

4. Learned Counsel for respondent No.2 objected to allow the application on the ground that, acquiring body - G.M.I.C. was not made party before the Reference Court. Hence, application is not tenable and requested to dismiss the application.

5. I have heard all the learned Counsel.

6. Admittedly, lands of the applicants are acquired by the respondent No.2. Applicants needs amount for their daily expenses. Though it is contention of learned Counsel for respondent No.1 that, acquiring body was not made party before the Reference Court, it can't be a ground to reject the application for withdrawal as lands of the applicants are acquired as well as this respondent No.2 has deposited entire award amount before this Court.

Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicants are permitted to withdraw 50% amount along-with accrued interest thereon out of deposited amount on furnishing usual undertaking before learned Registrar (Judicial) of this Court.
- (c) The Civil Application is disposed of.

[S.G. DIGE, J.]