

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

945 CIVIL APPLICATION NO.12656 OF 2022
IN FIRST APPEAL NO.30 OF 2022

**SURESH TUKARAM SHINDE
VERSUS
THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD & OTHERS**

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Advocate for Applicant : Mr.R.D.Khadap
AGP for Respondent-State : Mrs.D.S.Jape
Advocate for respondent no.1 : Mr.S.W.Munde

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CORAM : S.G.DIGE, J.
DATE : 07.09.2022

P.C. :

1] Heard the learned counsel for the applicant, learned AGP 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 applicant had filed claim petition before the Reference Court for enhancement of the amount, which is granted by the Reference Court. The order of Reference Court is challenged before this Court by respondent no.1 and has deposited 70% of the award amount before this Court. The applicant is poor agriculturist. He has not received any compensation till date. He requires the amount for his daily expenses, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that exorbitant compensation is awarded by the Reference Court, hence, respondent no.1 has challenged the impugned order. If the applicant is permitted to withdraw the amount and the respondent succeeds in the appeal, it would be difficult for respondent no.1 to recover the said amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The land of the applicant is acquired by respondent no.1. The applicant is poor agriculturist. He needs the amount for his daily expenses. The issue raised by respondent no.1 can be considered at the time of final hearing, 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 70% amount deposited by respondent no.1 on furnishing undertaking .

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**