

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13167 OF 2022
IN FIRST APPEAL (ST) NO. 21030 OF 2020

BABAN S/O ANNA NAMDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
JALNA AND OTHERS

...
Advocate for Applicants : Ms. Pradnya Talekar h/f.
Talekar and Associates
AGP for Respondent Nos.1 and 2 : Mr. S.S. Dande
Advocate for Respondent No.3 : J P Legal Associates
....

CORAM : S.G. DIGE, J.
DATE : 19th September, 2022

ORDER :

1. Heard learned Counsel for applicants and learned Counsel for respondent Nos.1 to 3.

2. Learned Counsel for applicants submits that, applicant's lands are acquired by the respondent No.2 in the year 2011 since then applicants have not received any compensation amount. The Reference Court has enhanced the amount and passed the order in the year

2018. Thereafter, respondent No.2 preferred the appeal before this Court in the year 2020 and has deposited only amount of Rs.75,00,000/- before this Court out of award amount. At present award amount goes to more than amount of Rs.2,00,00,000/- (rupees two crores only). Applicants are poor agriculturist, they required the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of learned Counsel for respondent No.2 that, Reference Court has awarded compensation more than four times. This fact is challenged by the respondent No.2 before this Court by way of appeal. As per the order of this Court respondent No.2 has deposited Rs.75,00,000/-. If applicants are permitted to withdraw this amount and if respondent No.1 succeeds in the appeal then it would be difficult for respondent No.2 to recover the amount from applicants. Hence requested to dismiss the application.

4. I have heard all the learned Counsel. Admittedly,

lands of the applicants are acquired in the year 2011 since then they have not received any compensation amount. Out of total amount more than amount of Rs.2,00,00,000/- respondent No.2 has deposited Rs.75,00,000/-. Applicants are poor agriculturists and they needed amount for their daily expenses. Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicants are permitted to withdraw amount of Rs.50,00,000/- along-with accrued interest thereon out of deposited amount on furnishing usual undertaking.
- (c) Remaining amount be deposited in Fixed Deposit of any nationalized bank.
- (d) The Civil Application is disposed of.
- (e) List the First Appeal on 7th October, 2022.

[S.G. DIGE, J.]