

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

CIVIL APPLICATION NO. 13064 OF 2022
IN
FIRST APPEAL NO. 519 OF 2018

MANOHAR HARISCHANDRA ARADWAD
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR LATUR AND ANOTHER

WITH

CIVIL APPLICATION NO. 13066 OF 2022
IN
FIRST APPEAL NO. 520 OF 2018

HARISCHANDRA IRAPPA ARADWAD
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
COLLECTOR LATUR AND ANOTHER

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Advocate for the applicant : Mr. G.K. Sontakke
AGP for Respondent No.1 : Mr. S. S. Dande
Advocate for respondent No.2 : Mr. S. B. Patil

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**CORAM : S. G. DIGE, J.
DATE : 20.09.2022**

PER COURT :-

Heard learned counsel for the applicants, learned
AGP and learned counsel for respondent No.2.

2. Learned counsel for the applicants submits that

applicants are poor agriculturists. Their lands have been acquired in the year 2000 by respondent No.2. Since then appellants have not received any compensation amount. Earlier this Court had permitted the applicants to withdraw 50% amount out of deposited amount. Due to Covid pandemic period applicants are facing financial crises. They are poor agriculturists. They require the amount for their daily expenses. Hence requested to allow the application.

3. It is contention of learned counsel for respondent No.2 that already this Court has permitted the applicants to withdraw the 50% amount out of deposited amount. The Reference Court has granted exorbitant compensation, which is challenged by respondent No.2. If the applicants are permitted to withdraw the amount and respondent No.2 succeeds in the appeal, it would be difficult for respondent No.2 to recover the amount. Hence requested to dismiss the application.

4. I have heard both the learned counsels. Admittedly, the lands of the applicants are acquired by respondent No.2. Applicants are poor farmers. They need the amount for their daily expenses. They have no source of income. Respondent No.2 wants security of the amount, if permission is granted. Hence I

pass the following order.

ORDER

- (I) The application is allowed.
- (ii) The applicants are permitted to withdraw 25% amount out of remaining amount along with accrued interest thereon, on furnishing solvent surety/security.
- (iii) Remaining 25% amount shall be deposited in a fixed deposit of Nationalized Bank.

Application disposed of.

**(S.G. DIGE,)
JUDGE**

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