

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.13426 OF 2022
IN FAST/28337/2016

JAMAL JAHURSHA SHAH
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ZILLA
PARISHAD, AURANGABAD AND ANR

...
Advocate for Applicant : Mr. Bide D.A. and Mr. V.B. Wayal
Advocate for Respondent No.1 : Mr. D.B. Pawar
A.G.P. for respondent No.2: Mr. P. Kulkarni
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CORAM : S. G. DIGE, J.
DATED : 23rd SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for applicant, learned counsel for the respondent No.1 and learned A.G.P. for respondent No. 2.
2. Learned counsel for the applicant submits that the applicant's land is acquired in the year 2005 by respondent No.1 and since then the applicant has not received any compensation. The applicant is poor agriculturist. He requires the amount for his daily expenses. Hence, requested to allow the application.
3. Learned counsel for respondent No.1 acquiring body submits that reference court has awarded exorbitant compensation. Hence, the judgment and award passed by the reference court is challenged before this Court. If the applicant is permitted to withdraw the amount and respondent No.1 succeeds in the appeal, it would be very difficult

for respondent No.1 to recover the said amount. Hence, requested to dismiss the application.

4. I have heard both the learned counsel. The applicant's land is acquired in the year 2005 and since then he has not received any compensation. He needs the amount for his daily expenses. The issue raised by the learned counsel for respondent No.1 can be considered at the time of final hearing. Hence, I pass the following order:-

O R D E R

- I. Civil application is allowed.
- II. The applicant is permitted to withdraw 75% amount alongwith accrued interest thereon on furnishing usual undertaking before the Registrar (Judicial) of this Court.
- III. Civil application is disposed of.

(S. G. DIGE, J.)

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