

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14434 OF 2022
IN FIRST APPEAL NO. 2948 OF 2022
WITH CA/14453/2022 IN FA/2949/2022

GOVIND VASUDEO JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
LATUR AND OTHERS

...
Advocate for Applicants : Mr. L.C. Patil
AGP for Respondent Nos.1 to 3 : Ms. D.S. Jape
....

CORAM : S.G. DIGE, J.
DATE : 12th October, 2022

ORDER :

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

2. Learned Counsel for applicants submits that, applicants are poor farmer and their lands were acquired by the respondent No.2. Since acquisition of lands of applicants, they have not received any compensation amount. Applicants are poor farmers and they have no source of income. Applicants' needed amount for their

daily expenses. Hence, requested to allow the applications.

3. Learned A.G.P. for respondent Nos. 1 to 3 submits that, excessive compensation was awarded by the Reference Court and the said fact is challenged by these appeals. If applicants are permitted to withdraw the amount, it would be for respondent No.2 to recover the amount from applicants. Hence, requested to dismiss the applications.

4. I have heard both the learned Counsel.

5. Admittedly, applicant's lands were acquired by the respondent No.2. Applicants are poor farmers and they have no source of income. They need amount for their daily expenses. Respondent No.2 has deposited entire award amount. Hence, I pass the following order :

ORDER

(a) Applications are allowed.

(b) Applicants are permitted to withdraw 50%

amount along-with accrued interest thereon on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

- (c) Applicants are permitted to withdraw 25% amount out of deposited amount along-with accrued interest thereon on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- (d) The Civil Applications are disposed of.

[S.G. DIGE, J.]