

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.14359 OF 2022
IN FA/100/2022**

MANIK LIMBAJI SURYAWANSHI
VERSUS
THE EX. ENGINEER, (P.T. AND M.L.) DIV. NO.1
OSMANABAD AND OTHERS

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Mr. V. V. Ingale h/f Mr. V. B. Deshmukh, Advocate
for the Applicant.

Mr. S. N. Morampalle, AGP for Respondents-State.

Mr. Ram B. Deshpande, Advocate for Respondent No.1.

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CORAM : S. G. DIGE, J.

DATED : 11th OCTOBER, 2022.

PER COURT:-

1. Heard learned counsel for the applicant, learned counsel for respondent no.1 and learned A.G.P. for respondent-State.

2. The learned counsel for the applicant submits that, the applicant's land is acquired by respondent no.1. The applicant is facing difficulty in day to day expenses because of paucity of funds. Hence, requested to allow the application.

3. The learned counsel for respondent no.1 submits that, the land of the applicant is considered by the Reference Court as seasonal irrigated land, whereas his land was dry land. This fact is challenged before this Court by way of Appeal. Hence, requested to dismiss the Appeal.

4. I have heard both the learned counsels.

5. The land of the applicant is acquired by respondent no.1. The applicant has not received any compensation from respondent no.1. The applicant is needed amount for daily expenses. Hence, I pass the following order:

ORDER

(i) The application is allowed.

(ii) The applicant is permitted to withdraw 50% amount alongwith accrued interest thereon out of deposited amount by the respondents on furnishing undertaking.

(iii) The applicant is permitted to withdraw 20% amount alongwith accrued interest thereon out of the deposited amount by the respondents on furnishing solvent surety/security.

(iv) The Civil Application is disposed of.

(S. G. DIGE)
JUDGE