

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

919 CIVIL APPLICATION NO.13921 OF 2022
IN FIRST APPEAL NO.1920 OF 2016

ASHOK PANDHARI KADAM & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for the applicants : Mr.V.V.Ingale
AGP for Respondent-State : Mr.S.S.Dande

...
CORAM : S.G.DIGE, J.
DATE : 04.10.2022

P.C. :

1] Heard the learned counsel for the applicants and the learned AGP for the respondent-State.

2] The learned counsel for the applicants submits that the lands of the applicants are acquired in the year 1989 since then applicants have not received any compensation. The enhancement given by the Reference Court is within four times. The applicants are farmers and they need the amount for daily expenses. The learned counsel further submits that applicant no.1 be permitted to withdraw the amount on behalf of other applicants as the other applicants have given registered power of attorney in favour of applicant no.1. The other applicants are the family members of applicant no.1, hence, requested to allow the application.

3] The learned AGP objected to allow the application on the ground that exorbitant compensation is given by the Reference Court.

4] I have heard both learned counsel. The lands of the applicants are acquired in the year 1989. The applicants' need the amount for their daily expenses, hence, I pass the following order:-

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount, on furnishing undertaking. The applicants are also permitted to withdraw 25% amount along with accrued interest thereon, out of the deposited amount, on furnishing solvent surety / security.

iii] Applicant no.1 is permitted to withdraw the amount on behalf of other applicants subject to verification of power of attorney issued by other applicants in his favour by the learned Registrar [Judicial] of this Court. The other applicants shall file affidavits stating that they have issued power of attorney in favour of applicant no.1.

iv] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC