

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14719 OF 2022
IN FIRST APPEAL NO. 1262 OF 2022

NIVRUTTI GANGARAM GUNDALE (DIED) THR LRS. SAKHUBAI
NIVRUTTI GUNDALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
LATUR AND OTHERS

...
Advocate for Applicants : Mr. G.K. Gontakke
AGP for Respondent Nos.1 and 2 : Ms. D.S. Jape
....

CORAM : S.G. DIGE, J.
DATE : 18th October, 2022

ORDER :

. Heard learned Counsel for applicants and learned A.G.P. for respondent Nos.1 and 2.

2. Learned Counsel for applicants submits that, applicants are poor farmers. Their lands were acquired by the respondent-State. Since acquisition of the lands applicants cannot received any compensation and they are facing starvation. Hence, they needs amount for their daily expenses. They have no other source of income. Hence, requested to allow the application.

3. It is contention of learned A.G.P. that, excessive compensation is awarded by the Reference Court. The said impugned order is challenged by way of appeal before this Court. If applicants are permitted to withdraw the amount and respondents succeeds in their appeal then it would be difficult for respondents to recover the amount from applicants. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel. Admittedly, the lands of the applicants are acquired by the respondent-State. Applicants needed amount for their daily expenses. They have no other source of income. Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicants are permitted to withdraw 50% amount along-with accrued interest thereon out of deposited amount on furnishing usual undertaking before the learned Registrar (Judicial) of this Court.
- (c) Applicants are permitted to withdraw 25%

amount along-with accrued interest thereon out of deposited amount on furnishing solvent surety/security before the learned Registrar (Judicial) of this Court.

(d) The Civil Application is disposed of.

[S.G. DIGE, J.]