

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 14429 OF 2022
IN FIRST APPEAL (ST) NO. 24782 OF 2020
WITH CA/14432/2022 IN FAST/24773/2020
WITH CA/14433/2022 IN FAST/24789/2020
WITH CA/14430/2022 IN FAST/24237/2020
WITH CA/14431/2022 IN FAST/24767/2020**

RAGHUNATHGIRI GUMAN GIRI (DIED) THR LRS NIRAJ
RAGHUNATH GIRI
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. L.C. Patil
AGP for Respondent Nos.1 and 2 : Mr. A.B. Chate
Advocate for Respondent No.3 : Mr. S.W. Munde
....

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

ORDER :

. Heard learned Counsel for applicant, learned A.G.P. for respondent Nos.1 and 2 and learned Counsel for respondent No.3.

2. Learned Counsel for applicant submits that, applicant is poor farmer and his land was acquired by the

respondent No.3. Since acquisition of land of applicant, he is not received any compensation amount. Applicant is poor farmer and he has no source of income. Applicant needs amount for his daily expenses. Hence, requested to allow the application.

3. Learned Counsel for respondent No.3 submits that, excessive compensation was awarded by the Reference Court and the said fact is challenged by this appeal. If applicant is permitted to withdraw the amount, it would be for respondent No.3 to recover the amount from applicant. Hence, requested to dismiss the application.

4. I have heard all the learned Counsel.

5. Admittedly, applicant's land was acquired by the respondent No.3. Applicant is poor farmer and he has no source of income. He needs amount for his daily expenses. Respondent No.3 has deposited only 70% amount out of entire award amount. Hence, I pass the following order :

ORDER

- (a) Application is allowed.
- (b) Applicant is 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) Applicant is permitted to withdraw remaining 20% 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.]