

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14452 OF 2022
IN FIRST APPEAL NO. 3846 OF 2016
WITH CA/14451/2022 IN FA/1893/2016

DAYAGHAN KESHAV DHETE
VERSUS
THE EXECUTIVE ENGINEER URDHAWA PRAVARA DHARAN
DIVISION GHULEWADI THR G.M.I.D.C. AURANGABAD AND
ANOTHER

...
Advocate for Applicant : Mr. D.A. Bide
Advocate for Respondent No.1 : Mr. P.R. Tandale
AGP for Respondent No.2 : Mr. S.N. Morampalle
....

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

ORDER :

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

2. Learned Counsel for applicant submits that, land of applicant was acquired by the respondent No.1 and since acquisition of land applicant has not received any compensation. Applicant is poor agriculturist. He needs

amount for his daily expenses and he has no source of income. Hence, requested to allow the application.

3. Learned Counsel for respondent No.1 submits that, applicant had not added Corporation as party before the Reference Court. The S.L.A.O. has granted compensation at Rs.750/- per Are whereas the Reference Court has enhanced it to amount of Rs.4,000/- per Are, which is excessive. Respondent No.1 has hope to succeed in the Appeal hence, requested to dismiss the application.

4. I have heard all the learned Counsel.

5. Applicant's land is acquired by the respondent No.1 and since acquisition he has not received any compensation amount. Applicant is poor agriculturist and he needs amount for his daily expenses. Hence, I pass the following order :-

ORDER

(a) Applications are allowed.

(b) Applicant is permitted to withdraw 60% amount

along-with accrued interest thereon.

- (c) The 60% amount along-with accrued interest thereon deposited before this Court be transmitted to the Civil Judge, Senior Division, Sangamner, Dist. Ahmednagar and applicants shall file usual undertaking before the Reference Court.
- (d) Remaining 40% amount shall be deposited in Fixed Deposit of any nationalized bank.
- (e) The Civil Applications are disposed of.

[S.G. DIGE, J.]