

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

CIVIL APPLICATION NO.8273 OF 2023 IN FAST 26381 OF 2022

KUSUMBAI GANPATI KADAM
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION PROJECT SERVEKSHAN
AND OTHERS.

...
Advocate for Appellants : Mr. S.A. Deshmukh
Advocate for Respondents : Mr. M.C. Swami
AGP for respondent : Mr. P.M. Kulkarni

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : July 07, 2023

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PER COURT :-

1. By this application, the applicant/original claimant seeks permission to withdraw the amount deposited by the respondents in pursuance of the Award passed by the Reference Court. The contention of the applicant is that her land has been acquired for Khade Water Storage Tank, Tq. and District Osmanabad. LAO has granted meager compensation hence the reference was filed, which has been allowed based on earlier judgments in respect of the same acquisition. The learned advocate for the applicant further points out that the applicant is senior citizen, therefore, seeks permission to withdraw the amount.

2. Learned counsel appearing for the respondent submits that arguable grounds are made out in the appeal. Interest is granted de hors statutory provision. Reference court has enhanced the compensation by almost six times. It appears that Reference Court has relied upon the previous judgment, wherein rate of the land has been determined based on the sale deeds. Prima facie observations made by the Reference Court appears to be in the tune of the

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material pressed into service by the applicant. Even, the applicant appears to be the small land holder, who has lost her land more than 18 years before.

3. Considering the submissions advanced, the applicant is permitted to withdraw 50% of the amount on furnishing of an usual undertaking with the Registrar (J) of this Court. The applicant is further permitted to withdraw 25% of the amount subject to furnishing of solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

4. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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