



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

982 CIVIL APPLICATION NO.10868 OF 2024
IN
FIRST APPEAL NO. 2577 OF 2023

Afsanabee Kasam Kha Pathan and Ors

..Applicants

Versus

The State of Maharashtra
Through the Collector, Collector Office
Jalna and Ors

.. Respondents

.....

Ms. Sakshi Kale h/f. Mr. Ajeet B. Kale, Advocate for Applicants

Mr. S. G. Bhalerao, Advocate for Respondent No.2

Mrs. Dr. Kalpalata Patil Bharaswadkar, Addl. G. P. for the Respondent
Nos.1 & 3 / State

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**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : OCTOBER 11, 2024

PER COURT :-

. The Applicants have put forth the following prayers :

- “A) To grant rule and to allow this application.
- B) By modifying the order dated 12.04.2024 , to kindly allow the applicant to withdraw the 20% amount on undertaking instead of furnishing solvency/surety.
- C) Pass any other relief in favour of applicant.”

2. It is submitted by learned Advocate for the Applicants that this Court by order dated 12.04.2024 permitted the Applicants to withdraw 80% of the amount deposited by the Acquiring Body along with interest accrued thereon till date. Out of which, 60% amount was allowed to be withdrawn on furnishing undertaking and 20% was allowed to be

withdrawn on furnishing solvent or any kind of security. It is submitted that the Applicants have become landless and therefore, they are unable to furnish solvent security.

3. The relevant paragraph nos.4 and 5 from the Application are reproduced as under :

“4. The applicants further submits that, the applicants are filing the present Civil Application for withdrawal of the 20% of amount on undertaking instead of solvency as directed by this Hon’ble Court, by modifying the earlier order dated 12.04.2024. The applicants are poor agriculturists who have now been rendered landless due to the said acquisition and therefore they are not in position to give solvency/ solvent surety for the said amount of compensation.

5. The applicants further states that, the applicants are in need of money for health and maintenance. The land acquired was major source of income for the applicant. Thus, the applicants are in need of money to meet their personal expenses, to look after them family.”

4. There is nothing to show that the contentions of the Applicants are baseless. Considering the said contentions, the Application is allowed in terms of prayer clause ‘B’ and the same stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP