

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

FIRST APPEAL NO. 206 OF 2002

The State of Maharashtra ...Appellant

versus

Dashrath Govind Bade,
Age: 55 years, Occ: Agri.,
R/o. Wadgaon/Chinchpur Pangul,
Tal. Pathardi, Dist. Ahmednagar. ...Respondent

WITH

**CROSS OBJECTION (ST) NO.3208 OF 2003
IN
FIRST APPEAL NO. 206 OF 2002**

Dashrath Govind Bade,
Age: 65 years, Occ: Agri.,
R/o. Wadgaon/Chinchpur Pangul,
Tal. Pathardi, Dist. Ahmednagar. ...Applicant

versus

The State of Maharashtra ...Respondent

.....

Mr. P.P. More, A.G.P. for appellant/State
Mr. S.L. Bhapkar, Advocate for respondent/claimant

.....

CORAM : N.W. SAMBRE, J.

DATE : 30th JULY, 2015

ORAL ORDER :

The Reference Court has allowed the enhancement as prayed by the claimant, which is subject matter of the present appeal

at the behest of the State Government.

2. While allowing the enhancement, the Reference Court has taken into account the findings recorded by the Civil Judge, Senior Division, Ahmednagr in L.A.R. No. 105 of 1986 and having placed reliance thereof has granted enhancement.

3. So far as L.A.R. No. 105 of 1986 is concerned, the appellant has not questioned the legality and validity of the said enhancement.

4. The said issue can be confirmed from the judgment of this Court in First Appeal No. 105 of 2008 decided on 11/03/2008. In view thereof, present appeal does not call for any interference. The first appeal fails, same stands dismissed.

5. So far as Cross Objection is concerned, I have heard learned Counsel for the applicant-owner, in my opinion, no case for enhancement, after enhancement order by the Reference Court, is made out. Cross Objection fails, same stands dismissed.

[N.W. SAMBRE, J.]