

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

FIRST APPEAL NO. 1067 OF 2008

WITH

CROSS OBJECTION NO. 3 OF 2010

V. I. D. C. Yavatmal Vs. Manik Punjabrao kalmegh & Ors.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri A. B. Patil Adv for appellant.
Shri A. Parchure Adv for respondent no.1.
Smt. M. N. Hiwase AGP for respondent no.2.

CORAM: A. S. CHANDURKAR J.

DATED: APRIL 30, 2015.

The claimant herein has filed civil application No. 507 of 2015 for disposal of the appeal on the ground that in respect of another property which was subject matter of acquisition under the same Notification by which the land of the present claimant was acquired, the appellant had amicably settled the matter by granting rate of Rs. 500/- per sq. mt for open plot and Rs. 1178/- per sq. mt. for constructed area with statutory benefits. It is stated that First Appeal No. 1335 of 2008 relates to the property from the same village where the property of the respondent no.1 is situated. It is further stated that there is marginal increase in the amount of compensation from that which was awarded by the Reference Court. Copy of the compromise memo has also been placed on record.

Shri A. B. Patil, learned counsel appearing for the appellant states that no specific instructions in writing have been received from the appellant

with regard to the present matter. He, however, does not dispute that the property which was the subject matter of acquisition in First Appeal No. 1335 of 2008 is situated in the very same village where the property of respondent no.1 is situated. Similarly both properties were subject matter of acquisition under the same Notification. It is stated that compensation for the constructed area has been granted in First Appeal No. 1335 of 2008 by enhancing the amount by 25%.

Considering the fact that the appellant which is a statutory body has agreed to grant compensation at the rate of Rs. 500/- sq.mt. for open plot and Rs. 1178/- per sq. mt. for constructed area with statutory benefits, compensation on similar lines can be granted to the respondent no.1 in the present appeal. In the present case the amount granted for the constructed area is Rs. 1211/- per sq. mt. and hence by granting 25% increase same comes to Rs. 1513/- per sq. mt. The respondent no.1 who has filed cross objection for enhancement in the amount of compensation is satisfied by said amount of compensation.

Hence in view of the terms of settlement in First Appeal No. 1335 of 2008 this appeal is disposed of on the following terms:

Respondent no.1 is held entitled for enhancement of compensation at Rs. 500/- per sq. mt. for open plot of land and Rs. 1513/- per sq. mt. for the constructed area with all statutory benefits. First appeal, Civil Application No. 507 of 2015 and cross objection stand disposed of in aforesaid terms. No costs.

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