

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.F.NO. 1601/2012 IN F.A.ST.NO. 8945/2012.

Executive Engineer, Lower Wardha Project Division, Wardha.

-VERSUS-

Mohan Maluramji Agrawal and others.

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

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : SEPTEMBER 02, 2015.

Heard Shri V.G. Palshikar, learned Counsel
for the applicant, Shri S.N. Tapadia, learned Counsel
for non-applicant nos. 1 and 2 and Ms. Hiwase,
learned A.G.P. for non-applicant nos. 3 to 5.

2. Prayer is to condone delay of 120 days in
filing Appeal under Section 54 of the Land Acquisition
Act, by the acquiring body.

3. The request is being strongly opposed by
the learned counsel for the non-applicant nos. 1 and 2.
However, during hearing we find that First Appeal no.
349/2012 filed by the non-applicant nos.1 and 2 for
further enhancement, has been admitted by this Court

2

in July, 2012. These proceedings have been filed before that i.e. 08.05.2012, as such the delay is condoned. Office to register the First Appeal.

4. Civil Application is allowed and disposed of.

.....

F.A.St.No. 8945/2012.

This Court has directed delay to be condoned today. After the appeal is registered, the same shall be **Admitted.**

Shri Tapadia, learned counsel for respondent nos. 1 and 2 and Ms. Hiwase, learned A.G.P. for respondent nos. 3 to 5 waive notice.

To be heard along with First Appeal No. 349/2012.

.....

C.A.F.No. 1311/2015.

The respondent nos. 1 and 2/applicants seek leave to withdraw the amount deposited by the

3

appellant.

2. As per orders of this Court dated 25.07.2012 and 27.12.2012, 50% of the decretal amount was directed to be deposited. Accordingly an amount of Rs. 34,99,906/- is in deposit.

3. During hearing, we find that enhancement has been granted by placing reliance upon a judgment in Land Acquisition Reference Case No.280/2001. Shri Palshikar, learned counsel submits that First Appeal against it is admitted and prayer there for withdrawal of compensation, amount is still not decided.

4. In this situation, list this Civil Application along with First Appeal No. 760/2011 on 16.09.2015.

JUDGE

JUDGE

Rgd.