

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

CIVIL APPLICATION (CAF) NO.1757 OF 2012

IN

FIRST APPEAL STAMP NO.15196 OF 2010

(Vidarbha Irrigation Development Corporation ..vs.. Mahadeo Gomaji Kumbhalkar (Dead) through its
LRs Sahebrao Mahadeo Kumbhalkar and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 13-02-2015

The matter is listed today for orders on the civil application praying for condonation of delay. There is note by the office that the civil application is dismissed against the respondent Nos.1 to 6 who are the original land owners-claimants.

2. Mrs. B.P. Maldhure, the learned Assistant Government Pleader appearing for the respondent Nos. 7 and 8 has pointed out the judgment given by this Court in First Appeal No.863/2010 and other connected matters on 18-10-2012 by which the appeals filed by the Vidrabha Irrigation Development Corporation (acquiring body) were dismissed. It is submitted that the first appeals had arisen out of the orders passed in the land acquisition cases which had arisen out of the land acquisition proceedings pursuant to the same notification by which the land of the respondent Nos.1 to 6 came to

be acquired. It is submitted that the acquired lands in the First Appeal No.863/2010 and the acquired land which is the subject matter of the present appeal are situated in the same village. Shri A.B. Patil, the learned Advocate for the appellant accepts this factual position.

3. In view of the above, I see no reason to interfere with the impugned order. The appeal is dismissed. In the circumstances, the parties to bear their own costs.

4. In view of the disposal of the appeal, the Civil Application (CAF) no.1757 of 2012 is rendered infructuous and it is disposed accordingly.

JUDGE

pma