

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.495 OF 2016

THE EXECUTIVE ENGINEER (CIVIL) , MAHARASHTRA
STATE ELECTRICITY DISTRIBUTION COMP
VERSUS
RAMRAO NARHARI DONGARE AND ANR

...

Advocate for Appellant : Mr. Shelke Avishkar S.
Mr.R.K.ASHTEKAR, Adv.for Resp.Nos. 1-A to 1-D;
Mr. SP Deshmukh, AGP for Respondent No.2. .

CORAM : P.R.BORA, J.

DATE : 29th August,2016.

PER COURT :

1) Heard. When the present matter was taken up for hearing, learned Counsel appearing for the claimants, brought to the notice of this Court that the present appeal cannot be entertained in view of the fact that this Court (Coram: K.K.Tated,J.) has on 26th September, 2014, already dismissed the appeal filed by the State and the present appellant against the Judgment and Award passed in LAR No.610/2005.

2) It has to be stated that while condoning the delay in the present appeal, the aforesaid fact was not brought to the notice of this Court. In the circumstances, the Court has condoned the delay considering the averments made in the application for condonation of delay.

3) Today, when the another appeal, arising out of the same acquisition proceeding, was taken up for hearing, the aforesaid fact that the appeal filed against the said Award, has already been dismissed, was brought to the notice of this Court and taking a note of this fact, this Court has rejected the said application for condonation of delay as well as dismissed the appeal on stamp number. The record and proceedings in CA No.13632/2011 with CA No.13633/2011 in FA st.No.25255/2011 with CA No.13630/2011 and 13631/2011 in First Appeal St.No.25330/2011 were called and perused by this Court. It is revealed that the aforesaid appeal was jointly filed by the State as well as the present appellant and

the same has been dismissed vide the aforesaid order. In such circumstances, the present appeal cannot be entertained and the same deserves to be dismissed and is accordingly dismissed. Pending Civil Application, if any, stands disposed of.

(P.R.BORA)
JUDGE

bdv/