

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

FIRST APPEAL NO.2305 OF 2012

Swami Ramanand Tirth
Marathwada University
"Dnyan Teerth", Vishnupuri,
Nanded, District Nanded
through its Vice Chancellor

..Appellant

Versus

1. Sk. Ali s/o Sk. Ismail,
Age 51 years, Occu.
R.o Pangra, Taluka and
District Nanded

2. The State of Maharashtra,
through the Collector,
Collector Office, Station
road, Nanded

3. The Special land Acquisition
Officer, U.P.P. No.1, Nanded

..Respondents

Mr U.A. Malte, Advocate for appellant
Mr P.P. Mandlik, Advocate h/f Mr A.S. Gandhi, Advocate for respondent
No.1
Mr A.M. Phule, A.P.P. for respondent No.2 & 3

CORAM : P.R. BORA, J.

DATE : 26th September 2016

PER COURT

1. When the matter was taken up for hearing, learned Counsel appearing for the respondent No.1 i.e. original claimant brought to the notice of the Court that the original claimant had also preferred an appeal bearing First Appeal No.1428 of 2016, challenging the award passed in L.A.R. No.259 of 2000 and this Court, vide order passed on 10.8.2016 allowed the said appeal and has accordingly enhanced the

amount of compensation. Learned Counsel submitted that in view of the order so passed in First Appeal No.1428 of 2016, the present appeal deserves to be dismissed.

2. Mr Malte, learned Counsel appearing for the appellant - University has not disputed the aboveaid fact.

3. In view of the fact that the appeal filed by the original claimant i.e. First Appeal No.1428 of 2016 against the award, against which the present appeal has been filed by the acquiring body, is allowed by this Court, the present appeal stands dismissed. It is made clear that if excess amount is deposited by the acquiring body, the acquiring body will be entitled for refund of the same from the reference Court.

4. The respondent No.1 - i.e. original claimant is permitted to withdraw the amount of compensation in terms of the order passed by this Court in First Appeal No.1428 of 2016 on 10.8.2016.

5. First Appeal stands disposed of.

(P.R. BORA, J.)

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