

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

907 FIRST APPEAL NO. 3884 OF 2008

DHONDIRAM BABURAO MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Appellant : Mr. SV Natu, Adv. h/for Mr.
B L Sagar Killarikar
Mr. KN Lokhande, AGP for Respondent: 1.

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CORAM : P.R. BORA, J.
Dated: July 20, 2016

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PER COURT :-

1) Heard. Learned Counsel appearing for appellant submits that the Award, which has been impugned in the present appeal by the appellant, was also challenged by the Acquiring Body and in the appeal so filed by the Acquiring Body, this Court has passed the order on 27th October, 2015 thereby remanding the matter back to the Reference Court to the extent of determination of the compensation for the constructed portion of the house property. The learned counsel submitted that in view of the order passed in the aforesaid appeal, now the matter is remanded back to the trial court and the present

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appellant can very well agitate the said issue before the Reference Court. He, has, therefore, prayed for withdrawal of the present appeal. In view of the submission so made, the present appeal is permitted to be withdrawn and the same stands disposed of as withdrawn.

2) R and P be sent to the concerned Court forthwith.

3) The appellant is entitled to refund of the court fees in accordance with law.

(P.R. BORA, J.)

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