

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.1280 of 2016

**11 CIVIL APPLICATION NO. 1280 OF 2016
IN FAST/37241/2015
WITH
FIRST APPEAL STAMP NO.37241 OF 2015**

THE PRINCIPAL, CENTRAL RESERVE POLICE FORCE,
TRAINING COLLEGE, MUDKHED
VERSUS
ABDUL NABI HASAN SAB DIED THR LRS MADINBI AND
OTHERS

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Advocate for Applicant : Smt.(jape) Ansingkar Dipali S.
AGP for Respondent State:Mr.S.N.Morampalle
Mr. Bhadekar D.R., Advocate for R.Nos. 1-b To 1-e.

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CORAM : P.R. BORA, J.
Dated: October 07, 2016

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PER COURT :-

1. Delay of 610 days has occurred in filing the present application. Learned Counsel appearing for the respondents has not seriously opposed for condoning the delay. Even otherwise, delay seems to have been sufficiently explained. In the circumstances, the Application is allowed. Delay caused in filing the Appeal is condoned. Civil Application for condonation of delay stands disposed of.

2. The Appeal be registered in accordance with law.

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) CA NO.1280 of 2016

3. Issue notice to the respondents in the First Appeal. Mr.D.R.Bhadekar, learned Counsel, appears for respondent nos. 1A to 1E / original claimants. Learned A.G.P. waives service for respondent nos. 2 and 3.

4. The matter is heard finally at the admission stage with the consent of the learned Counsel appearing for the parties. Learned Counsel appearing for the original claimants has tendered across the bar copy of the judgment delivered by this Court (Coram: S.V.Gangapurwala, J.) in First Appeal No.121/2012, with the connected appeals on 23rd July, 2012. Learned Counsel submitted that the lands which were the subject matter in the aforesaid decided appeals were acquired for the same project and were situated at the same village. In view of the fact that all aforesaid appeals have been dismissed by this Court, learned Counsel urged for adopting similar course in the present appeal also. Learned Counsel appearing for the appellant has not disputed that the First Appeals arising out of the same acquisition proceedings are dismissed by this Court vide the aforesaid judgment. In view of the above, the following order is passed:

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3) CA NO.1280 of 2016

ORDER

1. The First Appeal (STAMP) NO.37241/2015 stands dismissed for the reasons assigned by this Court in the judgment delivered in First Appeal No.121/2012.
2. The original claimants are permitted to withdraw the amount of compensation deposited, if any, by the acquiring body in this Court, if already not withdrawn.

(P.R. BORA, J.)

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