

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

Civil Application (CAF) No.2791 of 2015

And

Civil Application (CAF) No.3535 of 2015

And

Civil Application (CAF) No.3536 of 2015

In

First Appeal Stamp No.7857 of 2015

(VIDC, through its Executive Engineer, Yavatmal Medium Project Division,
Yavatmal v. Pochubai Charandas Bhoware (Dead), through L.Rs. Laxman
Tukaram Bhoware and others)

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

Court's or Judge's orders

Shri Vinay Dahat, Advocate for Applicant/Appellant.
Shri D.M. Kale, AGP for Respondent Nos.2 and 3.

Coram : R.K. Deshpande, J.

Date : 3rd February, 2016

Civil Application (CAF) No.2791 of 2015 &
Civil Application (CAF) No.3535 of 2015 :

The application for leave to file an appeal and the application for condonation of 658 days' delay caused in filing an appeal are to be considered.

Notices were issued on 30-10-2015. All the respondents are served. No reply is filed. The applications are not opposed.

The main ground is that the applicant-VIDC, which is the acquiring body, has not been joined as the party-respondent in the proceedings of reference under Section 18 of the Land

Acquisition Act.

In view of this, after going through the averments made in both these applications, I am satisfied that a sufficient cause is made out for leave to appeal and also for condonation of delay.

Hence, both these applications are allowed. The leave to file appeal is granted and the delay caused is condoned.

The civil applications are disposed of.

First Appeal Stamp No.7857 of 2015 :

The question involved is whether the enhancement could have been granted in the absence of the acquiring body being joined as the party-respondent in the proceedings of reference under Section 18 of the Land Acquisition Act.

In view of this, issue notice for final disposal of the matter, to the respondents, returnable on 27-4-2016.

Shri D.M. Kale, the learned AGP, waives service of notice for the respondent Nos.2 and 3.

Service to the respondent No.1 by RPAD in addition to regular mode, is allowed.

Call for R & P.

Civil Application (CAF) No.3536 of 2015 :

There shall be stay in terms of prayer clause (A) of this civil application, which shall continue to operate pending the decision of the appeal.

The applicant/appellant to deposit the entire decretal amount in this Court within a period of eight weeks from today; failing which the stay granted by this Court shall stand vacated and the application for stay shall stand rejected without reference to the Court.

The civil application is disposed of.

Judge.

Lanjewar