

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

Civil Application (CAF) No.1614 of 2015
And
Civil Application (CAF) No.1695 of 2015
In
First Appeal Stamp No.11005 of 2015
(VIDC, through its Executive Engineer, Akola v. Soma Chinku Tayade (Dead),
through LR's. Shivram Somaji Tayade 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.
Ms P.D. Rane, AGP for Respondent No.12.

Coram : R.K. Deshpande, J.
Date : 3rd February, 2016

Civil Application (CAF) No.1614 of 2015 &
Civil Application (CAF) No.1695 of 2015 :

The application for leave to file an appeal and the application for condonation of 1148 days' delay caused in filing an appeal are to be considered.

Notices were issued on 15-7-2015. 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.11005 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.

Ms P.D. Rane, the learned AGP, waives service of notice for the respondent No.12.

Service to the other respondents by RPAD in addition to regular mode, is allowed.

Call for R & P.

The entire amount has already been deposited in this Court. Hence, the interim order passed by this Court on 30-9-2015 shall continue to operate pending the decision of the appeal.

Judge.