

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

C.A.F. NO.2306/2016
IN
FIRST APPEAL NO.672/2015

Vidarbha Irrigation Development Corporation, through Executive Engineer, Bembla
Project Division, Yavatmal
..VS..
Narayan s/o Ganpatrao Kawalkar and others

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

Court's or Judge's orders

Shri P.B. Patil, Advocate for the applicant/appellant.
Ms. S.Z. Haider, A.G.P. for respondent Nos.3 and 4.

CORAM : Z.A.HAQ, J.
DATED : 22.8.2016.

For the reasons stated in the application, the appellant is permitted to deposit the amount as per the order passed on 23rd November, 2015, within four weeks. If the amount is deposited within four weeks, the interim order granted on 23rd November, 2015 shall continue till the decision of the appeal. The civil application is **allowed** accordingly.

FIRST APPEAL NO.672/2015.

Shri A.B. Nakshane, Advocate for the respondent Nos.1 and 2 has pointed out the terms of compromise in Land Acquisition Case No.518/2012 by which the Executive Engineer, Bembla Project, Yavatmal and Deputy Collector (Land Acquisition), Minor Irrigation Work No.2 accepted the liability of paying compensation to the claimant in those proceedings at the rate of Rs.750/- per Sq. Meter. This fact is not disputed on behalf of the appellant.

The Reference Court has granted compensation at the rate of Rs.900/- per Sq. Meter. This Court, by the order dated 23rd November, 2015, has directed the appellant to deposit 75% of the decretal amount. If the respondent Nos.1 and 2 are permitted to withdraw the amount deposited by the appellant, it will be less than Rs.750/- per Sq. Meter as agreed in the terms of compromise referred above.

In the above facts, the amount deposited by the appellant be given to the respondent Nos.1 and 2, alongwith interest on it, if any in ratio of 50 : 50, unconditionally.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

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Personal Assistant.

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