

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

CIVIL APPLICATION (CAO) NO. 1659 OF 2016
IN CAF NO.1709/16

IN

FIRST APPEAL ST. NO. 808 OF 2016

(V.I.D.C. BULDANA....VS.. SANJAY KISAN BORADE & 2 OTH.)

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

Court's or Judge's orders

Shri J. B. Kasat, Advocate for Appellant.
Shri K.S. Narwade, Advocate for Respondent No.1.
Ms A.R. Kulkarni, A.G.P. for Respondent Nos. 2 and 3.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 18, 2016.

Respondent No.1/ claimant has filed this application seeking permission to withdraw the amount deposited by the appellant. The respondent No.1 has pointed out the communication sent by the Executive Engineer to the Reference Court on 2nd May, 2016 stating that in connected 16 cases the amount of compensation was being deposited. The respondent No.1 has submitted that the lands which were subject matter of the connected 16 proceedings were acquired by the same notification under Section 4 of the Land Acquisition Act, 1894 and for the same project. The respondent No.1 contends that as the appellant has accepted the liability to pay the compensation @ Rs.600/- per square meter in the connected 16 cases, it is not proper on the part of the appellant to prosecute the present appeal as the respondent No.1 is also entitled for compensation @ Rs.600/- per square meter.

The learned advocate for the appellant, on instructions, states that the present appeal was filed before the decision was taken that the appeals should not be filed in connected 16 cases. On instructions, it is submitted that in the facts of the case, the appellant may withdraw the appeal.

Considering the above facts, the respondent No.1/ claimant is permitted to withdraw the amount deposited by the appellant, along with interest.

The civil application is allowed.

JUDGE

RRaut..