

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO.3457/2016 IN FIRST APPEAL ST. NO. 21426/2016

(EXECUTIVE ENGINEER, BEMBLA PROJECT DEPTT, YAVATMAL **VERSUS** HARI DAGDUJI SANAP
 & OTHERS)

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

Court's or Judge's orders

Shri S.K. Bhoyar, counsel for the applicant.
 Shri R.J. Shinde, counsel for the R-1.
 Shri A.V. Palshikar, A.G.P. for the R-5 & 6.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : OCTOBER 18, 2016.

Heard the learned counsel for the parties.
 Perused the contents of the application.

For the reasons stated in the application, the
 delay in filing the first appeal is condoned. The civil
 application is allowed and disposed of.

F.A. ST. NO.21426/2016.

ADMIT.

Learned counsel Shri R.J. Shinde waives notice on
 behalf of the respondent nos.1 to 4.

Learned Assistant Government Pleader Shri A.V.
 Palshikar waives notice on behalf of the respondent nos.5
 and 6.

Call for Record & Proceedings.

C.A.F. NO.3458/2016.

Heard. Perused the contents of the
 application. Also perused the judgment of the reference
 court, dated 23.03.2016.

It *prima-facie* appears from a perusal of the judgment that the evidence on record is not considered and appreciated by the reference court in appropriate manner while enhancing the compensation manifold. We do not find any cogent reasons in the impugned order for granting compensation at the rate of Rs.45,00,000/- per hector.

In this background, the judgment and award dated 23.03.2016 is stayed on the condition that the appellant deposits the entire decretal amount in this court within twelve weeks. Since we find that the grant of enhancement is exorbitant and is not supported by cogent reasons, we permit the respondent nos.1 to 4 to withdraw only 25% of the amount that would be deposited in this court, subject to furnishing of solvent surety/security to the satisfaction of the Registrar (Judicial). The remaining amount should be placed in a fixed deposit account of a nationalized bank initially for three years and the account should be renewed thereafter from time to time during the pendency of the first appeal.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE

APTE