

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

911 FIRST APPEAL NO. 316 OF 2007

THE STATE OF MAHARASHTRA
VERSUS
DAMU SAHADU SASE (DEAD) THROUGH HIS LEGAL HEIRS
BHAUSAHEB DAMU SASE AND OTHERS

...
AGP for Appellant : Mr. C. V. Dharurkar.

Advocate for Respondent Nos.1-b to 1h, 2-a & 2-b : Mr. C. K. Shinde.

...

CORAM : **V. K. JADHAV, J.**

DATE : 13th April, 2017.

ORDER:

1) When the present appeal was taken up for hearing, Mr.C.K.Shinde, learned counsel appearing for original Claimants in the appeal submitted that, connected appeals arising out of the same acquisition proceedings have been dismissed by this Court vide order passed on 11.02.2016 in First Appeal No.1015/2004, with connected appeals. Learned Counsel has placed on record copy of the aforesaid Judgment.

2) The learned AGP Mr. C.V.Dharurkar has not disputed that the present appeal and the First Appeal No.1015/2004, and the appeals connected therewith, have arisen from one and the same acquisition. It has also not been disputed that the First Appeal No.1015/2004 and the connected appeals therewith, have been dismissed by this Court vide

common judgment and order passed on 11.2.2016.

3) Learned A.G.P. has not disputed the same. There is no reason to take any other view in the matter.

4) In view of the above, for the reasons stated by this Court in the judgment and order dated 11.2.2016, in First Appeal No.1015/2004, and the appeals connected therewith, the present appeal also stands dismissed.

5) The balance amount, if any, deposited by the Appellant in this Court in the aforesaid appeal towards satisfaction of the award impugned in the present appeal is permitted to be withdrawn by the Claimants in terms of the award.

6) The Bank Guarantee / surety, if any, furnished by the original Claimants while withdrawing the amount on previous occasion shall stand discharged.

Pending Civil Applications, if any, stand disposed of.

[V. K. JADHAV, J.]