

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1667 OF 2003
WITH
CIVIL APPLICATION NO. 2143 OF 2017

The State of Maharashtra ..Appellant
versus
Navasu Kashiram Khade & Ors. ..Respondents

Mr. A. A. Palkar – AGP for the Appellant – State.
Mr. P. J. Ahuja for Respondents – Claimants.
Ms Chaitrali Deshmukh for Intervenor - Godavari Marathwada
Irrigation Development Corporation.

CORAM : **M. S. SONAK, J.**
(HEAD OF THE PANEL)

: **C.D. GONGLE**, RETIRED
DISTRICT JUDGE, MEMBER &

: **M.S. GUPTA**, REGISTRAR (INSP.II.)
MEMBER

DATE : **9th SEPTEMBER, 2017.**

P.C. :-

1] With the consent of the learned AGP as well as the learned counsel for the respondents – claimants, civil applications seeking intervention of Godavari Marathwada Irrigation Development Corporation, in all these matters are allowed and stand disposed of.

2] The learned counsel appearing for the appellant – State of Maharashtra, the Acquiring Body – Godavari Marathwada Irrigation

Development Corporation and the respondents – Claimants, hand in consent terms which are duly signed by the parties. The consent terms are taken on record and marked 'X' for the purposes of identification. The consent terms also bear the signature of the Special Land Acquisition Officer as also the signatures / thumb impressions of the respondents – claimants. The Advocate for the Acquiring Body states that she has been duly authorized to sign these consent terms. Similarly, the Advocate for the respondents – claimants states that he has verified as well as identified the signatures of the respondents – claimants. The learned counsel for the parties pray that this appeal be disposed of in terms of the consent terms.

3] We have perused the consent terms. In terms thereof, the Acquiring Body as well as the State has agreed to honour the Award made by the Reference Court and consequently, withdraw this appeal.

4] The consent terms also record that the respondents – claimants have not filed cross-appeals or cross objections in the matter. Learned counsel for the respondents – claimants reiterates this position.

5] We note that there is some inaccuracy in recording the cause title in the consent terms. Although, the State is the Appellant, in the consent terms, the Acquiring Body - Godavari Marathwada Irrigation Development Corporation, who are now permitted to intervene in this matter, have been indicated as appellants. Such minor and inadvertent inaccuracy is no reason not to accept the consent terms or act on the basis of the same. Needless to add that when order / award is made, the same to reflect the correct and appropriate cause title. The directions in this regard are therefore

issued.

6] In case there is any issue of withdrawal of compensation amount, the Reference Court is directed to verify the identity of the claimants / legal representatives, if any, at the stage of permitting withdrawal. Necessary endorsement to be made in that regard at the stage of permitting withdrawal. We however note that in the present appeal, the compensation amount has already been withdrawn and therefore there may not be any necessity to comply with this procedure in the present case.

7] The appellant shall be entitled to refund of court fees in terms of the Rules as permissible.

8] The appeal is disposed of in terms of the consent terms. Necessary award to be drawn in terms of the consent terms.

9] Since the appeal is now disposed of, the pending civil applications, if any, do not survive and the same are also disposed of.

**(M.S. SONAK,J.)
HEAD OF THE PANEL**

**(C.D. GONGLE)
MEMBER**

**(M.S. GUPTA)
MEMBER**