

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BEFORE THE NATIONAL LOK ADALAT

CIVIL APPELLATE JURISDICTION

Civil Application in FA NO. 288 OF 2017

IN

First Appeal (St) NO. 26674 OF 2016

Executive Engineer, Karvanj Dharan

Department, Nashik

...Appellant(s)

Versus

Shri. Namdev Ganpat Mondhe

Deceased Thr. Lrs'.

Smt. Sonyabai N. Mondhe and Ors.

...Respondent(s)

Ms Chaitrali Deshmukh for the Appellant

Mr. A. A. Palkar – AGP for the State.

Mr. Pawar for the Respondents – Claimants.

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] This appeal is not on board. However, at the request of learned counsel for the parties, the appeal and the civil applications therein are taken on board.

2] The delay in institution of the appeal is condoned, with the consent of learned counsel appearing for the respondents. The civil application is disposed of.

3] The learned counsel for the parties hand in consent terms which are taken on record and marked as 'X' for the purposes of identification.

4] The consent terms have been signed by the Advocate for the appellant who states that she has been duly authorized to file and sign these consent terms. The consent terms has been signed by the Special Land Acquisition Officer and the learned AGP. The consent terms are also signed / bear the thumb impressions of the respondents – claimants. The signatures / thumb impressions have been duly identified by the learned counsel appearing for the respondents - claimants. The learned counsel appearing for the respondents - claimants has also signed these consent terms signifying consent.

5] In terms of the consent terms, the appellant, has agreed to honour the Award made by the Reference Court and consequently, withdraw the appeal.

6] In this case, the respondents – claimants have not filed cross appeals / cross objections and the learned counsel appearing for the respondents / claimants state that they have no intentions to do so.

7] 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.

8] The appellant shall be entitled to refund of court fees in terms of Rules in this regard.

9] 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**