

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 552 OF 2015
IN
FIRST APPEAL (STAMP) NO. 31763 OF 2014

The Executive Engineer,
Karanjawan Dam Division

..Appellant

versus

Namdeo Tryambak Bendkoli (deceased)
through LRs. & Ors.

..Respondents

Ms Chaitrali Deshmukh for i/b. Ms Bhavana R. Khemani for
Appellant.

Mr. A. A. Palkar – AGP for State.

Mr. P. J. Ahuja for 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] The appellant had taken out civil application for condonation of delay. Since, the application is not objected to, by consent, the delay is condoned. The civil application is disposed of.

2] Ms Deshmukh states that in this matter Ms. Bhavana R. Khemani has filed the vakalatnama. She submits that Ms. Bhavana R. Khemani is unable to remain present but the appellant has given authority letter to Ms Deshmukh to appear in this matter and to present / file / sign the consent terms. The officers are also present in the court and they confirm this position. The authority letter is also placed on record. The same is taken on record.

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

4] The consent terms have 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 the 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 has 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 the Rules as permissible.

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

10] 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**