

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BEFORE THE NATIONAL LOK ADALAT

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2313 OF 2016

IN

FIRST APPEAL (STAMP) NO. 33923 OF 2015

The Executive Engineer

Kashyapi Prkalp

Sub-Division-1, Nashik

..Appellant

versus

Namdeo Pandurang

Gaikwad (since deceased)

through Lrs. Govind P. Gaikwad & ors.

..Respondents

Ms Chaitrali Deshmukh for the Appellant

Mr. A.A. Palkar – AGP for the 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] In this matter, 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, learned counsel states that in this matter Ms Bhavna R. Khemani has filed the Vakalatnama. She submits that Ms Bhavna R. Khemani is unable to remain present but the appellant have given authority letter to Ms Deshmukh to appear in this matter and to present 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 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 this 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.

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**