

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

CIVIL APPLICATION (CAF) NO.1891 OF 2017
AND
CIVIL APPLICATION (CAF) NO.1892 OF 2017
AND
CIVIL APPLICATION (CAF) NO.1893 OF 2017
IN
FIRST APPEAL NO.1309 OF 2008

VIDC, Yavatmal

..VS..

Madhaorao Barde, (dead) thr. Legal Heirs and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.B. Patil, Counsel for the applicant.
Shri C.J. Dhokane, Counsel for LR of non-applicant No.1.
Shri A.D. Sonak, AGP for non-applicants/State.

CORAM : N.W. SAMBRE, J.

DATE : APRIL 12, 2017.

Heard.

These applications are for condonation of delay in bringing legal heirs of non-applicant No.1/land owner on record, who has expired on 10.1.2015, setting aside abatement, and for bringing legal heirs of non-applicant No.1 on record.

Since applications are not objected, delay caused is condoned. Abatement is set aside. Legal

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heirs be brought on record forthwith.

First Appeal No.1309 of 2008

Having heard respective learned counsel for the parties, it is not in dispute that by oral judgment dated 28.10.2015, this Court dismissed First Appeal No.1308 of 2018 preferred by the acquiring body against non-applicant No.1 in relation to his some other piece of land from the same village, which was acquired under same Section 4 of the Notification.

In view thereof, in my opinion, present appeal, preferred by the acquiring body, also deserves to be dealt with in accordance with same judgment dated 28.10.2015. As such, for the reasons stated in the said judgment, present first appeal also stands dismissed.

In view of dismissal of first appeal of the acquiring body, after appeal period is over claimants will be entitled to withdraw balance amount of compensation along with interest, which is lying in this Court in the present proceedings.

JUDGE

!! BRW !!

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