

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

CIVIL APPLICATION (CAF) NO.1490 OF 2017
IN
FIRST APPEAL ST. NO.8680 OF 2010

VIDC, Thr. its Executive Engineer, Arunavati Project Division, Digras, Dist. Yavatmal

-vs-

Balaji Vithhal Belgamwar and ors.

WITH

CIVIL APPLICATION (CAF) NO.1491 OF 2017
IN
FIRST APPEAL ST. NO.8831 OF 2010

VIDC, Thr. its Executive Engineer, Arunavati Project Division, Digras, Dist. Yavatmal

-vs-

Rajendra Balaji Belgamwar and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. B. Patil, Advocate for applicant.
Shri M. A. Kadu, AGP for non-applicant Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : March 24, 2017

Prayer in these applications is to condone the delay in filing the first appeal. The reasons for the delay having been caused are mentioned in paragraphs 2 and 3 of the application. It is further submitted that as vital interest of the applicant is involved, the delay be condoned and the proceedings be adjudicated on merits.

Shri Kadu, learned Assistant Government Pleader appearing for non-applicant Nos.2 and 3 however submits that no useful purpose would be served by condoning the delay in view of the fact that the amount of compensation as determined by the Reference Court is

lower than the amount of compensation that has been adjudicated by this Court in various appeals arising from the same village and the land acquired under the same project.

I have perused the reasons assigned for the cause of delay. I have also gone through the judgments of this Court in F.A.No.407/1993 with connected appeals dated 10/08/2009 and F.A. No.477/1995 decided on 13/07/2012. In the present proceedings the amount of compensation enhanced by the Reference Court is to the extent of Rs.1,45,800/- per hectare for the irrigated land and Rs.1,15,000/- per hectare for the dry crop land. As per the adjudication in F.A. no.477/1995 this Court has held the amount of Rs.3,75,000/- per hectare as fair compensation for irrigated land after considering its potentiality.

Considering the aforesaid adjudication with regard to lands from the same village and acquired under same notification, I do not find that any useful purpose would be served by entertaining the appeals on merit.

Hence for aforesaid reasons, both the civil applications stand dismissed. There would be no order as to costs.

JUDGE