

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

FIRST APPEAL NO.252 OF 2016

[The Executive Engineer, Minor Irrigation Division, VIDC, Chandrapur .vs. Nirmala Ganaji
Masharkar and one]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.
DATED : AUGUST 28, 2017.

Shri S.G. Jagtap and Shri S.S. Godbole,
learned counsel for appellant, submit that as
appellant has engaged another counsel they may be
discharged.

Smt. Jayshree J. Alkari h/f Shri V.G.
Palshikar, learned counsel, submits that Shri V.G.
Palshikar has instructions to appear on behalf of
appellant.

Shri S.G. Jagtap and Shri S.S. Godbole,
learned counsel, are discharged from appearing on
behalf of appellant.

CIVIL APPLICATION NO.3388/2017

Heard Ms. Kirti Satpute, learned counsel
for applicant-respondent no.1, Shri A.D. Sonak,
learned A.G.P. for respondent no.2 and Smt.
Jayshree J. Alkari h/f Shri V.G. Palshikar, learned
counsel appellant.

This appeal takes an exception to the
judgment and award dated 28.8.2014 passed by the
Civil Judge, Senior Division, Warora in LAC

No.764/2008 (Old No.57/2005) thereby partly allowing the reference under Section 18 of the Land Acquisition Act.

Acquiring Body, being aggrieved thereof, has filed the instant appeal.

Learned counsel for respondent no.1 submits that First Appeal No.470/2017 arising out of the same award has been dismissed by this court and in view of dismissal of the said appeal, present appeal also needs to be disposed of. Copy of judgment in First Appeal St. No.12253/2015 has been placed on record.

Learned counsel for appellant does not dispute the fact of dismissal of First Appeal No.470/2017 (St. No.12253/2015).

In view of dismissal of first appeal arising out of the same award, present appeal does not survive. Hence, First Appeal No.252/2016 stands dismissed. No costs.

CIVIL APPLICATION NO.3381/2017

Heard.

In view of dismissal of First Appeal No.252/2016, this application is allowed.

Respondent no.1 is permitted to withdraw the amount deposited by the appellant with the registry of this court.

Civil Application stands disposed of.

JUDGE