

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

C.A.F. No. 675/2017 IN FIRST APPEAL ST. No. 16275/2016

(V.I.D.C. THROUGH ITS EXE. ENGINEER, YAVATMAL PROJECT -Vs- DEVIDAS KISAN DONGRE
AND OTHERS)

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

Court's or Judge's Orders.

Shri J.B. Kasat, counsel for applicant.
Shri N.A. Badar, counsel for respondent no.1.
Ms. S. Haider, AGP for respondent nos.2 and 3.

CORAM: DR. SMT. SHALINI PHANSALKAR-JOSHI, J.

DATE : JULY 18, 2017.

This application is preferred by the Acquiring
Body seeking leave to file the appeal.

Considering that presence of the Acquiring
Body is essential for decision of the controversy involved
in the appeal, application is allowed and leave is granted
to the appellant to file the appeal.

C.A.F. No. 2314/2017.

Heard learned counsel for applicant,
respondent no.1 and learned AGP.

This is an application for condonation of
delay.

For the reasons stated in para nos.2 and 3 of
the application, as sufficient cause is made out, delay is
condoned.

Application is allowed and disposed of, with
order as to costs.

FIRST APPEAL ST. No. 16275/2016.

Heard. ADMIT. Call for R and P.

Appellant to file private paper book within six months after receipt of R and P.

Learned counsel for respondent no.1 waives service of notice on respondent no.1.

Learned AGP waives service of notice on respondent nos.2 and 3.

C.A.F. No. 2826/2017.

This is an application seeking withdrawal of the entire amount of compensation of Rs.84,64,806/- only which is deposited by appellant in the court.

The submission of learned counsel for appellant is that the reference court has enhanced the amount of compensation from Rs.69,000/- per hector to Rs.6,00,000/- per hector and hence considering the huge enhancement granted by the reference court, the entire amount should not be permitted to be withdrawn.

I find substance in the submission advanced by learned counsel for appellant and accordingly permission is granted to the respondent no.1 to withdraw only 50% of the amount of compensation deposited in the court, subject to filing of usual undertaking.

Application is disposed of accordingly.

JUDGE