

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

First Appeal No. 1095 of 2013

(V.I.D.C. through its Executive Engineer, Madhyam Prkalp (Kohala Project),
Yavatmal Vs. Hitesh Deoraj Gosar and ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's order
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Shri Anoop Parihar, Advocate for the petitioner
Shri R. J. Mirza, Advocate for the respondent nos. 1 to 4
Shri P. S. Tembhare, AGP for the respondent nos. 5 & 6

**CORAM : SMT. VASANTI A NAIK AND
M. G. GIRATKAR, JJ.**

DATE : 07-08-2017.

In first appeal filed by the respondent herein bearing First Appeal No. 1094/2013, it was informed to this Court by the learned counsel for the respondent - Hitesh Gosar that Mr. Akshay A. Naik, Advocate had appeared for the uncle of Hitesh Gosar. This Court was under an impression that Mr. A. A. Naik was appearing for the uncle of Hitesh Gosar in a connected matter but that is not so. On a mistaken belief in the other first appeal filed by Hitesh Gosar bearing First Appeal No. 1094/2013, "Not before Justice Smt. Vasant A Naik" order was passed. Since it is realized that Shri A. A. Naik had not appeared for the uncle of Hitesh Gosar in the land acquisition matter which is connected and had appeared in some other matter which has nothing to do with this matter, this matter could be heard by this Bench.

Even First Appeal No. 1094/2013 could be placed before the Bench of which Justice Smt.

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Vasanti A Naik is a Member if the assignment so permits.

Civil Application (CAF) No. 2975/2013

We *prima facie* find that the enhancement of compensation, as made by the reference Court is exorbitant and based on agreements of sale, which was not permissible, we continue to stay the award of the reference Court though the entire amount deposited by the Vidarbha Irrigation Development Corporation appears to have been withdrawn by the claimants in pursuance of the appeal filed by the State Government.

The civil application stands disposed of accordingly.

JUDGE

JUDGE

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