

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

CIVIL APPLICATION (F) NO.3680 OF 2016
IN
FIRST APPEAL STAMP NO.24941 OF 2015

(V.I.D.C. thr. its Executive Engineer, Minor Irrigation Division No.2, Chikhali, Dist.
Buldana Vs. Yashodabai Bapurao Kale (since dead thr. her LR's Bhagwan Bapurao Kale
and others)

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

Court's or Judge's orders.

Shri J.B. Kasat, Advocate for Applicant.
Shri A.R. Chutke, AGP for Respondent Nos.3 & 4.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.
DATE: 8th JUNE, 2017.

This is an application seeking permission to file appeal against the judgment and award passed by the learned Civil Judge, Senior Division, Link Court, Mehkar in Land Acquisition Case No.143 of 2005 decided on 04.03.2015.

It is submitted that the applicant is an acquiring body and in view of the provisions of the Land Acquisition Act, to shoulder the burden of enhanced compensation as per the provision of Section 3 of the V.I.D.C. Act, the applicant is the proper party in the matter.

In view thereof, the application is allowed and the leave is granted to the applicant to file appeal against the impugned judgment and award.

Civil Application (F) No.2299/2017:

On the request of the learned counsel for the applicant four weeks time is granted for taking steps to set aside the order of dismissal for default against respondent No.1a, 1b and 2a to 2c.

Civil Application (F) No.2300/2017:

This is an application seeking stay to the execution of the judgment and award dated 04.03.2015 passed in Land Acquisition Case No.143/2005 by the Civil Judge, Senior Division, Link Court, Mehkar.

The learned counsel for the appellant submits that the appellant is ready to deposit the entire amount of compensation as awarded by the Reference Court and he is having the cheque of the said amount with him and depositing in the course of the day.

In view thereof, the stay is granted to the execution of the impugned judgment and award till the decision of this appeal subject to condition that the appellant to deposit the entire amount of compensation as awarded by the trial court within a period of one week from today.

The application is finally disposed of.

JUDGE