

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**906 FIRST APPEAL NO.1036 OF 2004
WITH
CA/9031/2018 IN FA/1036/2004
WITH CA/2594/2004 IN FA/1036/2004**

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
GUNAWATI W/O. MAHIPALSING TANWAR**

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AGP for Appellant – State : Shri A.M.Phule
Advocate for Appellant Nos.2 and 3 : Shri Ramdas B.Bhosle
Advocate for Respondent : Shri S.D.Jayabhar h/f.
Shri Dattatraya R. Jayabhar

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CORAM : P.R.BORA, J.

DATE: 23rd October, 2018

PER COURT:-

1 Heard learned AGP appearing for the State and learned Counsel appearing for the respondent i.e. original claimant.

2 The learned Counsel appearing for the respondent - original claimant tendered across the bar a copy of the common Judgment passed by this Court (Coram: T.V.Nalawade, J.) in First Appeal No.1015 of 2004 with connected appeals on 11.02.2016 . The learned Counsel submitted that all those appeals were arising out of the same acquisition and only present appeal was left out inadvertently.

3 Learned AGP did not dispute the correctness of the fact stated by the learned Counsel appearing for respondent – claimant.

4 Perusal of the Judgment delivered by this Court in First Appeal No.1015 of 2004 reveals that this Court has turned down the objection raised by the State that the Reference Court has awarded the market value on higher side and all those appeals are disposed of by this Court. The same criteria would apply to the present matter in view of the fact that it was arising out of the same acquisition. Hence, the following order:

ORDER

- I) For the reasons recorded by this Court in First Appeal No.1015 of 2004 with connected matters, the present appeal also stands disposed of.
- II) Pending civil applications stand disposed of.

(P.R.BORA)
JUDGE

SPT