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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN THE COURT OF NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.37 OF 2006
WITH
CROSS-OBJECTION (ST) NO.4273 OF 2018

The State of Maharashtra ... Appellant
V/s.
Bapu Chirbut Patil (since deceased)
through his legal heirs and Ors. ... Respondents

Mr.A.R.Patil, Addl.GP for the Appellant- State in FA and for Respondent in XOBST.

Mr. Jayant S. Gaikwad for Respondent in FA and for Appellant in XOBST.

CORAM : A.S.OKA, J (HEAD OF THE PANEL)
S.R. KHANZODE, RETIRED DISTRICT &
SESSIONS JUDGE, MEMBER AND
S.R. PAWAR, DEPUTY REGISTRAR, MEMBER.

DATED : 22nd APRIL 2018.

P.C. :

1 On 9th December 2017 consent terms were taken on record. Thereafter, the Appeal was placed before the regular Court. By order dated 3rd April 2018 passed in Civil Application (St) No.4272 of 2018, the learned Single Judge of this Court allowed the said application by which order dated 9th December 2017 in Civil Application No.741 of 2017 was recalled. The legal representatives whose names were mentioned in Civil Application (St) No.4272 of 2018 were permitted to be brought on record. Thus, the legal representatives

who have signed the earlier consent terms taken on record on 9th December 2017 are no longer on record and therefore, a decree/ award cannot be made in terms of the consent terms.

2 Today, the learned counsel appearing for the parties have tendered fresh consent terms which are taken on record and marked 'Y' for identification. The learned counsel appearing for the respondents states that the Respondent Nos.1(a) and 1(b) are present who have affixed their left hand thumb impression on the consent terms and he himself has identified the same and has signed the consent terms. Consent terms are signed by the Deputy Collector (Land Acquisition), Metro Centre No.1, Uran as well as the Additional Government Pleader.

3 In view of the settlement recorded in the consent terms, the learned Additional Government Pleader has no objection for allowing Civil Application (St) No.4272 of 2018 and for taking the cross-objections on record.

4 Accordingly, we pass the following order :-

ORDER

- (i) The appeal and cross-objections stand disposed of in terms of the consent terms taken on record and marked 'Y' for identification;
- (ii) The consent decree/ award shall be drawn within a period of two months from the date on which this order is uploaded provided proper Court fees have been paid on cross-objection;

- (iii) Writ of this order along with record and proceedings, if received by this Court, shall be forwarded to the Reference Court within a period of three months from the date on which this order is uploaded;
- (iv) After determination of the amount in terms of the consent terms is made by the Reference Court, necessary order shall be passed for cancellation of the bank guarantee, withdrawal/disbursal of the amounts, if any, pending in the Court.

(A.S. OKA, J)
HEAD OF THE PANEL

(S.R.KHANZODE)
MEMBER

(S.R. PAWAR)
MEMBER