

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

FIRST APPEAL STAMP NO.8121/2017

Smt. Gangubai Wamanrao Dehankar
 (died on 02.04.2016, after passing of
 reference Court judgment)
 being dead through L.Rs.

1. Nilesh S/o Gunwantrao Dehankar,
 aged about 41 Yrs., Occu. Agriculturist,
 R/o Fattepur, Tq. Babulgaon,
 Distt. Yavatmal.

..Appellant.

..Vs..

1. The State of Maharashtra,
 through the Collector, Yavatmal.
2. The Executive Engineer,
 Bembla Project Division, Yavatmal,
 Tq. and Distt. Yavatmal.
3. The Special Land Acquisition Officer,
 Bembla Project, Yavatmal.

..Respondents.

 Shri S.V. Ingole, Advocate for the applicant / appellant.
 Shri K.R. Lule, A.G.P. for non-applicant / respondent Nos.1 and 3.
 Shri M.A. Kadu, Advocate for respondent No.2.

CORAM : Z.A. HAQ, J.

DATE : 25.9.2018.

C.A.F. NO.415/2018

1. Heard Shri S.V. Ingole, Advocate for the applicant / appellant, Shri
 K.R. Lule, A.G.P. for non-applicant / respondent Nos.1 and 3 and Shri M.A.
 Kadu, Advocate for non-applicant / respondent No.2.

2. For the reasons stated in the application, delay of 2701 days in filing appeal is condoned. The civil application is **allowed** accordingly. No costs.

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3. Taken up for hearing.

4. **ADMIT.**

5. Learned Advocates for the respective parties submit that the controversy is covered by the judgment given by this Court in First Appeal No.1263/2009 (Vidarbha Irrigation Development Corporation V/s. Manohar S/o Nanaji Mate and others) and other connected matters, on 26th July, 2012.

Accepting the submission it is held that the appellant is entitled for compensation at the rate of Rs.1,35,000/- (Rs. One Lakh Thirty Five Thousand) per hector for the acquired land alongwith solatium and additional component. The appellant will not be entitled for the interest on the enhanced amount of compensation.

The impugned award is modified accordingly. The appeal is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE