

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

CIVIL APPLICATION F. NO.1790/2018
IN
FIRST APPEAL NO.106/2018

Executive Engineer, Minor Irrigation Division, Pusad, Tah. Pusad, Dist.
Yavatmal
...Versus...
Mohd. Sufi Abdul Rajjak 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 N.M. Gaidhane, Counsel for appellant
Shri M.M. Agnihotri & Shri V.N. Patre, Counsel for respondent nos.1 to 4
Shri Amit Madiwale, AGP for respondent nos.5 to 7

CORAM : R.K. DESHPANDE AND
ARUN D. UPADHYE, JJ.
DATE : 21/09/2018

In First Appeal No.491/2017 arising out of the reference proceedings in respect of land acquisition, this Court passed an order on 10/8/2018, which is reproduced below :-

“C.A.F. No.1788 of 2018

The Reference Court has relied upon the sale deed dated 25.06.1997 for determination of market value of the land in question on the date of notification under Section 4 of the Land Acquisition

Act, issued on 19.03.1998 and over and above the price reflected in the sale deed, 5% increase is granted. This Court has directed the appellant to deposit 60% of the amount of award, which has been deposited in this Court. Hence, the application is for withdrawal of the said amount.

We have heard the learned counsels appearing for the parties.

We do not find any impediment for withdrawal of 50% of the amount upon furnishing solvent surety and the balance 50% upon filing an undertaking. Hence, the order is passed accordingly.

Civil application stands disposed of.”

The present appeal also arises out of the same award and same notification as referred in the judgment delivered by the reference Court.

In view of this, there cannot be a different order in this matter. Hence, the order dated 10/8/2018 passed by this Court in First Appeal No.491/2017 shall operate in the present matter also.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Wadkar, P.S.

Shailendra
Sukhadeorao
Wadkar

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