

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

CIVIL APPLICATION (CAF) NO.2994/2018

IN

FA NO.212/2003 (D)

Union of India, thr. Defence Estate Officer and ors

..VS..

Smt. Shalini Raje Rajaramsingh Bhosale (deceased) thr. LR Sangramsingh
Bhosale

Smt. Shalini Raje Rajaramsingh Bhosale (deceased) thr. LR Sangramsingh
Bhosale : Applicant

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri Suyesh Agrawal, Counsel for the Applicant/Respondent.
Shri S.A. Chaudhari, Counsel for Union of India.
Shri M.A. Kadu, AGP for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. This is an application for withdrawal of the compensation amount deposited by the Union of India.
2. The present application is moved by the original respondent/claimant.
3. Heard learned counsel Shri Suyesh Agrawal for the applicant/respondent, learned counsel Shri S.A. Chaudhari for the Union of India, learned AGP Shri M.A. Kadu for the State.
4. The land of the applicant/respondent was acquired by the appellants for public purpose. In the land

acquisition proceedings, award was declared by the Land Acquisition Officer on 25.8.1989 and the Land Acquisition Officer granted compensation to the applicant/respondent at the rate of Rs.495/- per square meter. Feeling aggrieved by such compensation, the applicant/respondent filed reference under Section 18 of the Land Acquisition Act. The said was contested. However, vide judgment and order dated 14.11.1994 passed by learned 3rd Joint Civil Judge Senior Division, Nagpur in LAC No.49/1990 enhanced the compensation at the rate of Rs.900/- per square meter.

5. The Union of India being aggrieved by such enhanced compensation, preferred an appeal vide First Appeal No.212/2003 before this Court. The said appeal was decided by this Court (Coram : Manish Pitale, J.) on 28.2.2018 and the appeal was dismissed. The cross appeal filed on behalf of the applicant/respondent was partly allowed and it was held by this Court in the said judgment that the applicant/respondent is entitled for compensation at the rate of Rs.1200/- per square meter.

6. In the said judgment, the appellant was directed to deposit enhanced amount of compensation within a period of 3 months from the date of the said judgment and this Court in the said judgment itself directed that the applicant/respondent would be entitled to withdraw the amount.

7. Learned counsel Shri S.A. Chaudhari for the appellant/Union of India makes a statement that the compensation awarded by the Reference Court was already

deposited by the appellant before the Reference Court.

8. By the present application, the applicant/respondent has submitted that the amount deposited by the appellant be permitted to be withdrawn.

9. Learned counsel Shri S.A. Chaudhari for the appellant/Union of India submits that the appellants are intending to file review application against judgment and order passed by this Court (Coram : Manish Pitale, J.) on 28.2.2018. However, there is nothing available on record to show that any steps are taken to file review. Therefore, the oral request opposing the application on the said ground cannot be entertained.

10. The applicant/respondent, therefore, is entitled to withdraw the amount deposited by the Union of India before the Reference Court along with interest accrued thereon.

11. Needless to mention that it will be always open for the applicant/respondent to take appropriate steps against the Union of India for not following the judgment and order passed by this Court (Coram : Manish Pitale, J.) on 28.2.2018.

12. With this, the civil application is allowed and disposed of accordingly.

JUDGE

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