

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

CIVIL APPLICATION (CAF) NO.644/2017 IN FA ST.NO.16932/2016
The Exe. Engineer, Purna Medium Project, Achalpur Division, Achalpur, District
Amravati

..VS..

Govindrao Gangaramji Pete (dead) Thr. LRs Subhadrabai Pete and ors

.....
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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Mrs. P.P. Chobe, Counsel for the applicant.
Shri R.J. Shinde, Counsel for non-applicant Nos.1 to 9.
Shri M.A. Kadu, AGP for non-applicant Nos.10 & 11.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. This is an application for condonation of delay in preferring an appeal. Delay is of 776 days.
2. Notices on this application were issued to the non-applicants and pursuant to the same learned counsel Shri R.J. Shinde put his appearance for the claimants. The State of Maharashtra and the Special Land Acquisition Officer are represented by learned Assistant Government Pleader Shri M.A. Kadu.
3. Learned counsel Shri R.J. Shinde for the claimants submits that he has no objection for allowing the present application.
4. In view of the said statement and for the reasons stated in the application on affidavit, the application can be granted. Accordingly, the application is allowed. Delay of 776 days in filing

.....2/-

the first appeal is hereby condoned.

5. The civil application is disposed of accordingly.

FA ST.NO.16932/2016

1. Heard.
2. ADMIT.
3. Call record and proceedings.
4. Learned counsel Shri R.J. Shinde waives service for respondent Nos.1 to 9 and learned Assistant Government Pleader Shri M.A. Kadu waives service for respondent Nos.10 and 11.

CAF No.645/2017

1. This is an application for grant of Stay.
2. Heard learned counsel Mrs. P.P. Chobe for the applicant/appellant, learned counsel Shri R.J. Shinde for the claimants, learned Assistant Government Pleader Shri M.A. Kadu for respondent Nos.10 and 11/State.
3. On 5.7.2017, Notices on this application were issued and *ad interim* stay was granted on the condition that the applicant/appellant to deposit entire decretal amount before this Court.
4. Learned counsel Mrs. P.P. Chobe for the applicant/appellant submits that in pursuance of the order, the applicant/appellant has already deposited entire decretal amount. Even, the said fact is not disputed by learned counsel for the claimants and learned Assistant Government Pleader for the State.
5. In that view of the matter, the application is allowed

and *ad interim* Stay granted on earlier occasion stands confirmed.

6. The civil application is disposed of accordingly.

CAO NO.1585/2018

1. This is an application moved by the claimants for withdrawal of the amount.

2. 61R of land from and out of total holding of 4H and 93R was acquired compulsorily. The Reference Court partly allowed the reference filed on behalf of the claimants. The appellant being dissatisfied with the enhancement of compensation has approached to this Court and filed this appeal.

3. Today, the Court has admitted the appeal filed on behalf of the VIDC.

4. In pursuance to the order passed by this Court, the appellant has already deposited the entire decretal amount i.e. Rs.35,76,130/-.

5. After hearing learned counsel for the parties and since the application is not seriously opposed by learned counsel for the respondents, I pass following order:

ORDER

- i) The civil application is partly allowed.
- ii) The claimants will be entitled to withdraw 50% of the amount deposited by the appellant before this Court. Out of this amount, 50% shall be withdrawn on they giving an undertaking before this Court that in the event the appeal filed by the appellant is allowed, the claimants will refund the same along with interest that will be determined by this Court at the time of final hearing of the appeal.

- iii) The remaining 50% amount are permitted to be withdrawn on the the claimants furnishing solvent security to the satisfaction of the Registrar (J.) of this Court.
- iv) The remaining 50% amount shall be invested with any Nationalized Bank initially for a period of 3 years and the said shall be renewed from time to time.
- v) With this, the civil application is disposed of accordingly.

JUDGE

!! BRW !!

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