

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

CAF NO.1896/2017 IN FIRST APPEAL ST. NO.21143/2016

[VIDC .vs. Pandu Nago Shrinath since dead through L.R. Smt. Rukhmabai Pandu Shrinath and others]

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

Court's or Judge's orders

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Shri Vinay Dahat, Advocate for Appellant,
Shri A.B. Nakshane, Advocate for Respondent No.1, 1-A,
Mrs. A.R. Kulkarni, AGP for Respondent Nos.2 and 3.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : AUGUST 02, 2018.

This is an application filed by the applicant for leave to file appeal.

Heard the learned counsel for the parties. Perused the judgment and award passed by the learned 2nd Joint Civil Judge, Senior Division, Yavatmal, decided on 24.3.2015. The case is made out for grant of leave. Hence, the order.

The application is allowed. Leave is granted to file the appeal.

The application stands disposed of.

Civil Application St. No.21148/2016

This is an application filed by the applicant for condonation of delay in filing the appeal.

Heard the learned counsel for the parties.

For the reasons mentioned in the application, the application is allowed. The delay of 465 days in filing the appeal is hereby condoned.

The application stands disposed of.

FIRST APPEAL ST. NO.21143/2016

Heard.

Admit.

Call R & P.

Shri A.B. Nakshane, the learned counsel, waives notice for respondent no.1 and Mrs. A.R. Kulkarni, the learned AGP, waives notice for respondent nos.2 and 3.

Civil Application (O) No.1301/2018

This is an application filed by the applicant-respondent no.1 for withdrawal of amount.

Shri A.B. Nakshane, the learned counsel for applicant-respondent no.1 has pointed out the terms of compromise in Land Acquisition Case No.518/2012 by which the Executive Engineer, Bembla Project, Yavatmal and Deputy Collector (Land Acquisition), Minor Irrigation Work No.2, accepted the liability of paying compensation to the claimant in those proceedings at the rate of Rs.750/- per sq. meter. The said fact has not been disputed by the appellant.

The Reference Court has granted compensation at the rate of Rs.900/- per sq. meter. By order dated 26.4.2017, it was directed by this court to appellant to deposit the entire decretal amount. The respondent no.1 is permitted to withdraw 75% of the amount deposited in the court by the appellant on giving an usual undertaking to the satisfaction of the learned Registrar (Judicial) and remaining 25% of the amount shall be deposited in the fixed deposit in any nationalized bank for a period three years.

With this order, the application stands disposed of.

JUDGE