

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

First Appeal No. 0375 of 2019

District : Dhule

Smt. Kalabai Tulshiram Bagale,
Age : 70 years,
Occupation : Household,
R/o. Wadi-Bhokar Road,
Deopur, Dhule.

.. Appellant
(Original
respondent
no.02)

versus

1. Dy. Collector,
Land Acquisition No.1,
District Collector Office,
Dhule.
2. Onkar Muka Bagale,
Age : 70 years,
Occupation : Nil,
R/o. Divi,
Taluka Shindkheda,
District Dhule.

.. Respondents
(No.01 -
Original
applicant
&
No.02 -
Original
respondent
no.01)

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Mr. Subodh P. Shah, Advocate, for the appellant.

*Mr. A.M. Phule, Assistant Government Pleader, for
respondent no.01.*

*Mr. Swapnil Patil, Advocate, holding for
Ms. Nima Suryawanshi, Advocate, for respondent
no.02.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27TH JUNE 2019

OPERATIVE ORDER :

For the reasons recorded separately, following order is passed :-

(a) The appeal is partly allowed.

(b) The judgment and order passed in Civil M.A. No. 16 of 2015, by learned Ad hoc District Judge-1, Dhule, dated 27-11-2018, is hereby set aside. The said application is hereby restored on the file of the learned Judge. The learned Judge is directed to give an opportunity to the present appellant (respondent no.02 therein) to lead evidence, if advised and after giving opportunity to lead evidence to her, then liberty may be given to respondent no.01 also, to lead any evidence and file say, if any. Thereafter, the learned Judge shall decide the matter on merits. Both the parties to appear before the learned Judge on 29th July 2019.

(c) It is clarified, that in view of order passed by this Court in Civil Application No. 2050 of 2019, respondent no.01 i.e. State was directed not to disburse 50 % of the amount of compensation granted under the award under Section 11 of the Land Acquisition Act, 1894,

dated 14-03-2013. That order to remain in force till final decision in Civil M.A. No. 16 of 2015 by the learned Judge.

(Smt. Vibha Kankanwadi)
JUDGE

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