

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R.G. AVACHAT
HELD ON 14th SEPTEMBER, 2019**

AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD

FIRST APPEAL NO.361 OF 2018

The Executive Engineer,
Majalgaon Dam,
Division No.10
Parbhani and ors.

..Appellant

Vs.

Ayubkhan Kabirkhan and anr.

..Respondents

Mr.R.C.Patil, Advocate for appellant
Mr.B.V.Virdhe, AGP for State authorities
Mr.V.D.Bhise, Advocate for respondent nos.1 and 2

**CIVIL APPLICATION NO.11139 OF 2019
IN
FIRST APPEAL NO.361 OF 2018**

Ayubkhan Kabirkhan and anr.

..Applicant

Vs.

The Executive Engineer,
Majalgaon Dam,
Division No.10
Parbhani and ors.

..Respondents

Mr.V.D.Bhise, Advocate for applicants
Mr.R.C.Patil, Advocate for respondent no.1 and 2
Mr.B.V.Virdhe, AGP for State authorities

ORDER

Not on board. Upon mentioning, taken on board.

2. Learned Counsel for both the sides are present. They submit that the matter may be disposed of in terms of the order passed in the Lok Adalat in First Appeal No.2468 of 2008 and other companion matters on 14.07.2018.

3. Mr.R.C.Patil, learned Counsel for the appellant – acquiring body, on instructions, submits that the rate awarded by the impugned judgment and award passed by the reference court is less than four times of the rate awarded by the S.L.A.O. In view of above, Mr.R.C. Patil, learned counsel appearing for appellant-acquiring body, on instructions, and in tune with the Government Resolution dated 03.11.2016 and the subsequent corrigendum dated 23.02.2017 and 13.08.2018 seeks leave to withdraw this First Appeal.

4. In terms of the award passed by the reference court, the acquiring body has deposited the compensation, as awarded, at the enhanced rate by the reference court. The acquiring body has also taken decision to settle the dispute finally, which squarely falls in the category of Government Resolution dated 03.11.2016 and the subsequent corrigendum dated 23.02.2017 and 13.08.2018.

5. In view of above, leave granted. The First Appeal is disposed of as withdrawn. Court fees be refunded as per Rules. Pending Civil Application, if any, also disposed of. Statutory benefits be extended in accordance with law.

6. Mr.R.C.Patil, learned counsel for the appellant-acquiring body, on instructions, submit that the amount at the enhanced rate as awarded by the reference court, if any, will be deposited within six months from today. The claimants are permitted to withdraw the same. The amount, if paid in excess, be refunded to the acquiring body.

(K.B.CHOU DHARY)
Advocate
Member

(B.G. DASGAONKAR)
D.J.(Retd.)
Member

(R.G. AVACHAT, J.)
Head of the Panel

Date: 14.09.2019
Place: Aurangabad.