

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 1531/2017 IN FIRST APPEAL STAMP NO. 2606/2017
 (EXE. ENGR. BEMBLA PROJECT, YAVATMAL **VERSUS** NEMICHAND SHIVBAKAS TODARWAL
 (DEAD) THR. LR's SHANTABAI NEMICHAND TODARWAL & OTHERS)

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

Court's or Judge's orders

Shri P.B. Patil, counsel for applicant.
 Shri A.B. Nakshane, counsel for NA-1(a) to 1(g).
 Mrs. M. Naik, A.G.P. For the NA-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 18, 2019.

Considering reasons mentioned in the application which are found to be acceptable, the delay in filing the appeal stands condoned. Civil application is allowed and disposed of.

F.A. ST. NO. 2606/2017.

Heard. **ADMIT.** In view of adjudication of connected first appeal bearing **First Appeal St. No.189 of 2018** (*VIDC & Another Versus Vasant Nanaji Patre & Others*) dated 19.12.2018, this appeal is taken up for hearing with consent of Shri A.B. Nakshane, learned counsel for legal heirs of respondent no.1 and Mrs. M. Naik, learned Assistant Government Pleader for respondent nos.2 and 3.

In First Appeal St. No.189 of 2018, this Court has held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, District Yavatmal would be fair compensation. The notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11.05.2000 which was the same notification in the appeal mentioned above.

Hence, for reasons assigned in First Appeal St. No. 189 of 2018 (*VIDC & Another Versus Vasant Nanaji Patre & Others*) dated 19.12.2018, this appeal is partly allowed in aforesaid terms.

- I. The judgment of the Reference Court in L.A.C. No.236 of 2005 dated 29.06.2015 is partly modified.
- II. The claimants are held entitled to receive an amount of Rs.750/- per square meter for an area admeasuring 70.40 square meters on Plot No.565. They are also entitled to receive an amount of Rs.2160/- per square meter for the constructed portion admeasuring 40.42 square meters.
- III. Other directions in the award are confirmed.
- IV. The claimants are at liberty to withdraw the amount of compensation in terms of this judgment.
- V. The balance amounts if any be refunded to the appellant with accrued interest.

The First Appeal is partly allowed in aforesaid terms with no order as to costs.

JUDGE

APTE