

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

FIRST APPEAL NO. 380 OF 2019

The Executive Engineer, Bembale Project, Yavatmal, Dist. Yavatmal
vs.

Bhaurao Shankarrao Wankhede (died) through LR's
Indubai Bhauraoji Wankhede and others

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

Court's or Judge's

Shri. Mangesh A. Kudu, counsel for the appellant.
Shri. M. V. Bute, counsel for the respondents No.1a to 1e
Smt. Mrunal Naik, AGP for respondents No.2 & 3.

CORAM : Manish Pitale J

DATED : 24.09.2019

By this appeal, the appellant acquiring body has challenged judgment and order dated 22.01.2015 passed by the Court of Joint Civil Judge Senior Division, Yavatmal (Reference Court), whereby reference application filed by the respondent No.1 was partly allowed and the respondent claimant was granted enhanced compensation @Rs.750/- per sq.mtrs. for open plot and @ Rs.3000/- per sq.mtrs. for constructed house located in village Kolhi, Tal. Babhulgaon, Dist. Yavatmal.

2. At the outset, the learned counsel for the appellant brought to the notice of this Court judgment and order dated 29.07.2019 passed by this Court in

First Appeal No.349/2019 [The Executive Engineer Bembla Project, Yavatmal vs. Dhondebaji Karku Nagrale (Died) thr. LR's Ku.Shivaji Rahul Nagrale & Ors.] to contend that this Court in the case of an identically situated claimant had partly allowed the appeal of the acquiring body and it was held that the claimant was entitled to compensation @Rs.650/- per sq.mtrs. for open plot and @Rs.2175/- per sq.mtrs. for constructed area.

3. The learned counsel appearing for the legal representatives of the original claimant in the present appeal does not dispute the said position and also the fact that even in the present case, the open plot and constructed portion were located in the same village.

4. In view of above, the present appeal is partly allowed and the appellant is directed to pay compensation to respondents No.1a to 1e @Rs.650/- per sq.mtrs. for open plot and land and @Rs.2175/- per sq.mtrs. for constructed portion. Accordingly, the impugned judgment and order of the Reference Court is modified.

5. It is pointed out that the appellant had deposited the entire amount of compensation in this Court during the pendency of this appeal.

6. In view of the above, appeal is partly allowed. As per entitlement of the respondents No.1a

to 1e, in terms of the order passed today, they shall be permitted to withdraw the amount from this Court along with accrued interest and the balance amount along with accrued interest shall be disbursed to the appellant.

7. The appeal stands disposed of. No order as to costs.

JUDGE

KOLHE