

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

First Appeal No.1449 of 2017
(V.I.D.C. through Executive Engineer, Yavatmal Project Construction
Division, Yavatmal .vs. Anna Shankarrao Bhange and others.)
with
Cross Objection No.44 of 2018
in First Appeal No. 1449 of 2017
(Anna Shankarrao Bhange .vs. V.I.D.C. through Executive Engineer,
Yavatmal Project Construction Division, Yavatmal)

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

Court's or Judge's orders.

Ms. Madhura Gokhale, Advocate for Appellant.
Mr. A.B. Nakshane, Advocate for Respondent No.1.
Mrs. Mrunal Naik, AGP for Respondent Nos. 2 & 3.

CORAM : Manish Pitale, J.
DATED : October 01, 2019.

When this appeal was called out for hearing, the learned counsel for the respondent no.1 (original claimant) submitted that this case was covered by judgment and order dated 29.08.2019 passed by this Court in First Appeal No. 779 of 2017 with Cross Objection No. 79 of 2018 (V.I.D.C. .vs. Deorao Nanda Rathod).

2. This appeal is restricted to the question of grant of quantum of compensation for the orange trees existing on the land at the time of its acquisition. The reference Court in the impugned judgment and order has granted compensation at the rate of Rs.3500/- per tree for 298 large trees and at the rate of Rs.2250/- per tree for 126 small trees.

3. The learned counsel appearing for the respondent no.1 points out that the cross-objection is

also filed on behalf of the respondent no.1 seeking enhancement of compensation over and above the quantum of compensation granted by the Reference Court by the impugned judgment and order.

4. The learned counsel for the appellant-Acquiring Body does not dispute the fact that the present case is covered by the aforesaid judgment of this Court as the acquired land was located in village Sindhkhed acquired for the Khumbharpind Project.

5. In view of the above, while the appeal is dismissed, the cross-objection is partly allowed and it is held that the respondent no.1 is entitled to compensation at the rate of Rs.5000/- per tree for 298 large orange trees and at the rate of Rs.3500/- per tree for 126 small orange trees.

6. Accordingly, the appellant is directed to pay enhanced compensation to the respondent no.1 in terms of this order along with all statutory benefits. The appellant shall deposit the aforesaid amount within a period of three months in this Court, which the respondent no.1 shall be entitled to withdraw immediately. The first appeal and cross-objection are disposed of accordingly.

7. Needless to say the amount already deposited by the appellant in this Court, shall be disbursed to the respondent no.1 at the earliest.

JUDGE

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