

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

C.A.F. NO.47/2019

IN

FIRST APPEAL STAMP NO.11013/2018

Vidarbha Irrigation Development Corporation

..Vs..

Purushottam Khushalrao Kakde and others

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

Court's or Judge's orders

Mrs. Anjali A. Joshi, Advocate for the applicant / appellant.
Shri S.O. Ahmed, Advocate for non-applicant / respondent No.1.
Shri V.P. Maldhure, A.G.P. for respondent Nos.2 and 3.

CORAM : NITIN W. SAMBRE, J.

DATED : 25.9.2019

1] Heard.

2] There is a delay of 291 days caused in preferring an appeal which is objected by the learned Counsel for the respondent / land owner.

3] For the reasons disclosed, delay stands condoned. Civil application is **allowed**. No costs.

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4] Heard.

5] Issue notice for final disposal, returnable on

3rd October, 2019.

6] Shri S.O. Ahmed, learned Counsel waives notice for respondent No.1.

7] Shri V.P. Maldhure, learned A.G.P. waives notice for respondent Nos.2 and 3.

8] Learned Counsel for the appellant has raised an objection on the issue of grant of enhanced compensation for 127 trees. According to her, as regards the age of the said trees, no evidence is brought on record and that being so, the award of compensation at the rate of Rs.1,600/- per tree is exorbitant. She submits that even though the expert witness was examined in support of establishing life of the teak trees, no documentary evidence is placed on record to support the said contention.

9] Call R & P.

JUDGE