

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

FIRST APPEAL NO.846/2018

Kishor Awadhootrao Umaratkar and others

..Vs..

The State of Maharashtra and others

AND C.A.F. NO.3227/2018

IN

FIRST APPEAL STAMP NO.20190/2017

The Executive Engineer, Bembla Project Division, Yavatmal, Tah. and Distt.
Yavatmal

..Vs..

Kishor Awadhootrao Umaratkar and others

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

Court's or Judge's orders

Shri S.S. Bhalerao, Advocate for the appellants.
Shri V.P. Maldhure, A.G.P. for respondent Nos.1 and 2.
Shri M.A. Kadu, Advocate for respondent No.3. ..in F.A. No.846/2018.

Ms. Madhura Gokhale, Advocate h/f Shri P.B. Patil, Advocate for the
appellant.
Shri S.S. Bhalerao, Advocate for respondent Nos.1 and 3.
Shri V.P. Maldhure, A.G.P. for respondent Nos.5 and 6.
..in F.A. St. No.20190/2017.

CORAM : NITIN W. SAMBRE, J.

DATED : 23.9.2019

C.A.F. NO.3227/2018 IN FIRST APPEAL STAMP
NO.20190/2017

1] For the reasons disclosed, delay of 208 days
caused in preferring the appeal is condoned. The civil
application is **allowed** accordingly. No costs.

FIRST APPEAL NO.846/2018 AND FIRST APPEAL
STAMP NO.20190/2017

2] Heard.

3] In both these appeals respondent Nos.4 and 6 expired. The Counsel for the other respondents submits that the legal heirs are not required to be brought on record as they are already in array of respondents. As such, appropriate amendment be carried out forthwith.

4] In both these appeals, the lands in question were acquired pursuant to the Section 4 notification issued on 11th May, 2000. The land of the claimants / respondents was acquired from the village Pahur for an irrigation project. The Reference Court has granted enhanced compensation by the judgment impugned which is questioned by the appellant acquiring body.

5] Respective learned Counsel have no objection to dispose of these two matters finally as they are in agreement that the issue raised is no more *res integra* and is already covered by the judgment of this Court in the matter of First Appeal No.1028/2007 decided on 6th September, 2018 and First Appeal Stamp No.189/2018 on the Cross-Objection No.119/2018 decided on 19th December, 2018.

6] As such, for the reasons recorded in the

aforesaid judgments, both appeals stand partly allowed at the behest of acquiring body. The parties to the appeal shall submit their respective calculation to the Registrar (J.) within a period of 6 weeks from today.

7] The Registrar (J.) shall permit the claimants to withdraw the amount in view of aforesaid judgment.

8] If the amount is lying with the Reference Court, similar request can be made by the claimants for permission to withdraw the amount before the Reference Court.

JUDGE