

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

C.A.F. NO.2081/2019
IN
FIRST APPEAL STAMP NO.20381/2018
Uttamchand Gangadhar Rathi
..Vs..
The State of Maharashtra and others

AND C.A.F. NO.2087/2019
IN
FIRST APPEAL STAMP NO.20372/2018
Suresh Mohanlal Panpaliya
..Vs..
The State of Maharashtra 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.A. Mohta, Advocate for the applicant / appellant.
Ms. A.R. Kulkarni, A.G.P. for non-applicant / respondent Nos.1 and 2.
Shri M.A. Kadu, Advocate for non-applicant / respondent No.3.

CORAM : NITIN W. SAMBRE, J.
DATED : 23.9.2019

1] Heard.

2] Apart from unexplained delay in both these appeals, which are preferred by the claimants for grant of enhanced compensation, questioning the judgment delivered by the reference Court, as against Section 4 notification issued on July 22, 1995, enhancement is sought before this Court based on non-award of compensation for severance of land and damages to the pipeline.

3] The learned Counsel for the appellant submits that since certain guesswork is permitted, the Reference Court ought to have awarded compensation for the same.

4] The learned A.G.P. and the learned Counsel for the acquiring body opposed the claim.

5] The enhancement in the case in hand is based on the judgment in L.A.C. No.98/2014 wherein compensation at the rate of Rs.1,00,000/- per hector was granted, which is from the same village and land is acquired for the very said project.

6] Since the onus is on the appellant to prove that he is entitled for the enhanced compensation for severance of land and damages to the pipeline, which he has not discharged, in my opinion, no case for showing interference in appellate jurisdiction is made out. Both these appeals lack merit. They are **dismissed** accordingly. No costs.

JUDGE