

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

CIVIL APPLICATION (F) No.3764 OF 2019
IN
FIRST APPEAL No.1018 OF 2016

Executive Engineer, Lower Wardha Project Division, Wardha
VS.
Sheshrao Babusrao Kailuke 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. Krunal Nandurkar h/f. Shri.N.M.Gaidhane counsel for
appellant.

Shri. C. R. Najbile, counsel for respondent No.1

Shri. S. D. Sirpurkar, AGP for respondents No.2 & 3.

CORAM : Manish Pitale J

DATED : 09.10.2019

This is an application filed on behalf of respondent No.1 (original claimant) seeking early hearing and disposal of the present appeal on the ground that it is covered by oral judgment and order of this Court.

2. In view of above, this application is allowed and the appeal is taken up for hearing.

FIRST APPEAL No.1018 OF 2016

The learned counsel appearing for respondent No.1 has invited attention of this Court to judgment and order dated 24.09.2019, passed in **First Appeal No.701 of 2016 (Executive Engineer, Lower Wardha Project Division, Wardha vs. Arvind Nathoba Deshmukh and others)**, wherein this Court after relying upon judgment and order dated 05.02.2019 passed in **First Appeal No.313 of 2015 (VIDC, Wardha vs. Dnyaneshwar Bhimrao Malankar and others)**, held that the quantum of compensation granted by the Reference Court @Rs.6024/- for each orange tree was required to be confirmed. In fact this Court noticed that in **First Appeal No.313 of 2015** (supra), compensation granted @Rs.6311/- for each orange tree was upheld by this Court.

2. The learned counsel appearing for appellant does not dispute the fact that present appeal is also covered in favour of respondent No.1 in the aforesaid manner.

3. Accordingly, it is found that no interference is warranted in the impugned judgment and order of the Reference Court and accordingly the appeal is dismissed.

4. Accordingly, the respondent No.1 is now permitted to withdraw the amount of compensation deposited by the appellant in this Court along with accrued interest thereon.

5. The appeal is disposed of.

JUDGE

KOLHE