

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

CIVIL APPLICATION (O) No. 1930 OF 2019

IN

CROSS OBJECTION No. 97 OF 2018

IN

FIRST APPEAL No. 1064 OF 2016

Executive Engineer, Medium Project Division, Civil Lines, Nagpur
VS.

Bhaurao s/o Narayan Gajbhiye 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.

Smt. Mrunal Naik, AGP for respondents No.2 & 3.

CORAM : Manish Pitale J

DATED : 09.10.2019

CIVIL APPLICATION (O) No. 1930 OF 2019

The learned counsel appearing for the respondent No.1 (original claimant) has filed this application seeking early hearing of the appeal and cross objection, pointing out that the present case is covered in favour of respondent No.1 on the basis of earlier orders passed by this Court. Hence, this application is allowed and the appeal and cross objection are taken up for hearing.

FIRST APPEAL No. 1064 OF 2016

It is pointed out by the learned counsel for respondent No.1 that in earlier adjudication pertaining to identical cases of claims concerning acquisition of land from Mouja Isapur, Tahsil Katol, District Nagpur in **First Appeal No.1078 of 2016** (*Executive Engineer, Nagpur Medium Project, VIDC Nagpur vs. Nama Bhanhji Gajbhiye and ors.*) and **First Appeal No.308 of 2017 with Cross Objection No.11 of 2019** (*The Executive Engineer, Medium Project Division, Nagpur, VIDC Nagpur vs. Premdas Vishwanath Deshbhratar and ors.*), this Court held that the claimants were entitled to compensation @Rs.300/- per sq.meter for open plot of land and @Rs.5500/- per sq.meter for constructed portion.

2. In the present case, the Reference Court has granted @Rs.300/- per sq.meter for open plot of land and @Rs.4000/- per sq.meter for constructed portion. On this basis, it was submitted on behalf of the respondent No.1 that the appeal deserved to be dismissed and cross objection deserved to be allowed.

3. The learned counsel appearing for the appellant does not dispute the fact that the case of respondent No.1 herein would also be covered by the aforesaid orders passed by this Court concerning

cases of claims identically situated.

4. In view of above, the appeal is dismissed and the cross objection is partly allowed and it is held that the respondent No.1 is entitled to compensation @Rs.300/- per sq.meter for open plot and @Rs.5500/- per sq.meter for the constructed portion. Accordingly, judgment and order passed by the Reference Court stands modified.

5. It is further informed that amount of compensation already deposited by the appellant was withdrawn by the respondent No.1. In view of appeal being dismissed and the cross objection being partly allowed, the appellant is directed to deposit the additional enhanced compensation in this Court within a period of three months from today. Upon such deposit of amount, the respondent No.1 shall be entitled to withdraw the same immediately.

6. Appeal and cross objection are disposed of.

JUDGE