

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 3321/2018 IN FIRST APPEAL STAMP NO. 21574/2017

(THE EXE.ENGR. BEMBLA PROJECT, VIDC, YAVATMAL **VERSUS** LAXMAN OKDU WAGHMARE @
WAGHDHARE (DEAD) RAJESH SOPAN WAGHMARE @ WAGHDHARE)

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

Court's or Judge's orders

Shri P.B. Patil, counsel for applicant.
Shri A.P. Kalmegh, counsel for NA-1.
Ms H.N. Prabhu, A.G.P. For NA-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 08, 2019.

Heard learned counsel for the parties.

For the reasons disclosed in the application, the delay
caused in filing the appeal stands condoned.

Civil application is allowed and disposed of.

F.A. ST. NO. 21574/2017.

In First Appeal Stamp No.2540 of 2017 arising from the
same village and under similar circumstances, this Court on
19.04.2017 has passed the following order:-

*“The enhancement granted at the rate of Rs.323/-
per square meter for the plot and Rs.4335/- per square meter for
constructed area is sought to be questioned in the present appeal.*

*The said enhancement is based on the award passed
in Land Acquisition Case No.307/2003.*

*Against the said award no appeal is preferred before
this Court till date. It is then to be noted that the Court refers to
the provisions of Section 28A of the Land Acquisition Act for
redetermination of the amount of compensation in case if the
reference under Section 18 of the Land Acquisition Act is not
preferred.*

In view of the above findings recorded, in my opinion, the case of acquiesce should be considered against the appellant for non-questioning the judgment delivered in Land Acquisition Case No.307/2003. As such no case for interference in the present appeal. The appeal fails and is dismissed.”

Hence, considering similarity of the present proceedings with those decided earlier, for aforesaid reasons this appeal also stands dismissed.

JUDGE

APTE