

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

C.A.F. No.1499 of 2019 in F.A. St.No.23737 of 2018
(V.I.D.C., through Executive Engineer, Canal Division, Bembla
Project, Yavatmal and another .vs. Jayantilal Jethalal Rupali and
Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

*Mrs.P.P.Choube, Advocate for the appellant/
applicant.*

Mr.M.P.Kariya, Advocate for respondent no.1.

Mr.M.P.Kadu, A.G.P. for respondent nos. 2 and 3.

CORAM : N. W. SAMBRE, J.

DATE : 26.9.2019.

Heard.

For the reasons disclosed in the
application, delay is condoned. The
application is allowed.

First Appeal St.No.23737 of 2018

The Reference Court while granting
enhancement has relied on Exh.43 i.e.
Judgment delivered in L.A.C.No.511 of 2011.

The land acquired in the case in
hand is from village Sawargaon; whereas
from perusal of Judgment (Exh.43) delivered
in L.A.C. No.511 of 2011, which is produced
by learned Counsel for the appellant for
reference, it can be inferred that the land
therein was acquired from village Gujar.

2

On analysis of evidence as reflected in the Judgment impugned as regards location of these two villages viz. Gujari and Sawargaon, in view thereof, **Admit.**

Mr.M.P.Kariya, learned Counsel waives service for respondent no.1. Mr.M.P.Kadu, learned Assistant Government Pleader waives service for respondent nos. 2 and 3.

Call the record and proceedings.

Paper book be produced within a period of six months, failing which the appeal shall stand dismissed without further reference to the Court.

Civil Application (CAF) No.1500 of 2019

Since the entire amount of compensation is deposited, there shall be stay to execution.

The Civil Application stands allowed.

JUDGE