

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

FIRST APPEAL NO. 1268 OF 2018

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Khadakpurna Project Division,
Deulgaon Mahi, Tq. Deulgaon-Raja,
Dist. Buldhana.

..... **APPELLANT**
(On R.A.)

...V E R S U S...

1. Leelabai Sarjerao Deshmukh since
dead through LR's
 - 1A. Taramati Madhukar Ingle,
Aged about 50 years, Occu: Housework,
R/o HN 05, Krishnaganga, Bajrang Chowk,
Aurangabad, Tq. and District Aurangabad.

1B. Sangita Shivaji Raje Jadhav,
Aged 28 years, Occupation – Housework,
R/o Malipura, Sindhkhed Raja,
Tq. Sindhkhed Raja, District -Buldhana.
.... Original Claimant (Contesting)
 2. The State of Maharashtra,
through Collector, Buldhana.
.... Original Defendant No.1.
 3. Special Land Acquisition Officer,
Khadakpurna Project, Buldhana.
.... Original Defendant No.3.
- **RESPONDENTS**
(On R.A.)

Shri J.B. Kasat, counsel for the appellant.
Shri L.S. Burde, counsel for the respondent Nos. 1A & 1B.
Ms H.N. Jaipurkar, AGP for the respondent Nos. 2 and 3.

CORAM: ARUN D. UPADHYE, J
DATE: 25-01-2019.

ORAL JUDGMENT

1. The appellant - V.I.D.C has filed this appeal under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure, challenging the judgment and award dated 04/9/2015, passed by the learned Joint Civil Judge, Senior Division, Buldhana in L.A.C. No. 13/2008.

2. By the impugned judgment and award, the learned Reference Court has granted enhanced compensation to the tune of Rs. 1,13,287/- with statutory benefits.

3. This appeal was admitted on 19/11/2018.

I have heard Shri J.B. Kasat, learned Counsel for the appellant, Shri L.S. Burde, learned counsel for the respondent Nos. 1A and 1B and Ms H.N. Jaipurkar, learned AGP for the respondent Nos.2 and 3.

4. Today, learned counsel for the appellant has

submitted that the appellant had filed Pursis vide Stamp No. 939/2019, to the effect that the appellant does not wish to prosecute the appeal. He, therefore, prayed that the appellant be permitted to withdraw the appeal.

5. In view of the submissions made on behalf of the appellant and Pursis placed on record to that effect, the appellant could be permitted to withdraw the appeal.

The learned counsel for the respondent Nos. 1A and 1B and the Learned AGP have no objection for withdrawal of the present appeal.

Considering the above facts, the appellant could be permitted to withdraw the appeal.

Hence, I pass following order :-

ORDER

[i] The First Appeal No. 1268/2018 is disposed of as withdrawn. No order as to costs.

[ii] Court fees, if any, be refunded to the appellant as per the Rules.

CIVIL APPLICATION (CAF) NO. 3676/2018

For the reasons stated in the application, the respondent Nos.1A and 1B are permitted to withdraw the amount, if already not withdrawn.

Civil Application is disposed of accordingly.

JUDGE

rkn