

vdk

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2496 OF 2019

The Executive Engineer,
Latur Minor Irrigation Division,
Sinchanbhavan, LaturAppellant

VERSUS

Bhagwat Ganpatrao Shinde and others Respondents

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Mrs. Sunita Dasharat Shelke, Advocate for appellant
Mr. N. D. Kendre, Advocate for respondent no. 1 – claimant
Mr. S. N. Kendre, Assistant Government Pleader for respondents
no. 2 and 3

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[CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.]

DATE : 21st February, 2020

ORDER :

1. Learned counsel for appellant, Mrs. Sunita Shelke, tenders across a communication dated 15th January, 2020, marked "X" for identification. Learned counsel for appellant states that present first appeal can be disposed of since the compensation granted is within the parameters of aforesaid communication and, thus, appeal would not be required to be proceeded with. She further refers to order dated 13th July, 2019, passed by the National Lok Adalat, marked "Y" for identification.
2. Learned counsel appearing for the parties state that while the appellant and the claimants are *ad idem*, in similar situation

order has been passed in National Lok Adalat as referred to above.

3. Learned counsel for the respondent – claimants, on instructions, states that as in those cases, respondents – claimants are ready to accept the rate of interest in the light of decision of full bench of this court in the case of *State of Maharashtra vs. Kailash Shiva Rangari, 2016(4) All MR 513*. He further states that *purshis* to that effect would also be filed.

4. In view of the above, learned counsel for appellant, on instructions, seeks leave to withdraw present first appeal and states that the amount of compensation would be deposited in the reference court within a period of 6 (six) months from today.

5. Leave granted.

6. First appeal is disposed of as withdrawn.

7. The court fee be refunded to the appellant as per rules.

8. In view of disposal of first appeal, civil application bearing no. 8726 of 2019, also stands disposed of.

[B. U. DEBADWAR]
JUDGE

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[SUNIL P. DESHMUKH]
JUDGE