

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

Civil Application (F) No.2122/2019 in First Appeal St. No.15641/2018

(VIDC, Bembla Irrigation Division, Yavatmal and another V Rikhabchand Tatad and others)

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

Court's or Judge's orders

Shri J.B. Kasat, Adv for appellants.
Ms T.H. Udeshi, AGP for resp. nos.2 and 3.

CORAM : S.M. MODAK, J.

DATE : 08-12-2020.

Heard Shri Kasat, learned Advocate for the appellants
and Ms Udeshi, learned AGP for respondent nos. 2 and 3.

None for respondent no.1.

The V.I.D.C. was not implead as a party before the
Reference Court. They want to prefer an appeal alongwith an
Executive Engineer.

Leave is granted.

Application is disposed of.

Civil Application (St) No.15644/2018

Heard.

The Reference Court declared the award on
19-04-2016. It took time for the appellants to complete the office
procedure. The delay is opposed. The reasons are convincing.
Hence, the order :-

ORDER

- (a) The delay of 725 days caused in preferring an appeal is
condoned.
- (b) Application is disposed of.

First Appeal No.-----/2020

The Reference Court while enhancing the compensation has referred to the enhancement of the compensation by the Reference Court in Land Acquisition Case No.649/2012. The award in Land Acquisition Case is challenged by the V.I.D.C. by way of First Appeal No.67/2019. It is admitted. In this appeal also, the appellants are aggrieved due to enhancement.

Issue notice to the non-applicants.

Ms Udeshi, learned AGP waives notice for non-applicant nos.2 and 3.

No fresh notice is required to respondent no.1.

Admit.

Call for the record and proceedings.

The appellants to serve the copies of appeal memo to all the respondents.

Paper book be filed within a period of six months

Civil Application (St) No.15642/2018

Heard.

The appellants have deposited the principle amount before the Reference Court. They are ready to deposit the remaining amount in this Court within a period of three months.

Statement is accepted.

Stay is granted to the execution of the impugned judgment till disposal of the appeal, subject to deposit of that amount.

Application is disposed of.

If respondent no.1 will ask for withdrawal, it will be considered on merit.

(S.M. Modak, J.)

Deshmukh