

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

Civil Application [CAF] No.1908 of 2019
in
First Appeal St. No.27382 of 2018

General Manager, Western Coalfields Ltd.

vs.

Balkrishna Madhoroa Wankhede & another

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

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Court's or Judge's Orders

*Shri S.C. Mehadia, Advocate for Applicant/Appellant.
Shri H.D. Dubey, A.G.P. for Respondent No.2.*

CORAM : S.M. MODAK, J.
DATE : 27th OCTOBER, 2020.

Hearing was conducted through Video Conferencing and the learned Advocates agreed that the audio and visual quality was proper.

Heard the learned Advocate for the appellant. Though respondent No.1 is duly served, no one is appearing for him. The learned A.G.P. appears for respondent No.2.

The appellant, who was respondent No.2 before the Reference Court, is being aggrieved by the judgment passed by the Reference Court. The Reference Court has wrongly granted interest as per Section 28 of the Land Acquisition Act by considering the wrong date, from which the interest is to be calculated. There is a delay in filing the appeal.

For the reasons stated in the application, the delay needs to be condoned.

The delay in preferring the appeal is condoned. The application is allowed and disposed of accordingly.

First Appeal St. No.27382/2018 :

Heard.

Issue notice for final disposal to the respondents, returnable in the first week of January, 2021.

The learned A.G.P. waives notice for respondent No.2.

Admit the appeal.

Call record and proceedings.

Civil Application [CAF] No.1909/2019 :

Heard.

The Reference Court in stead of granting interest from the date of taking possession, granted interest from the date of notification. According to the learned Advocate for the appellant, the appellant is ready to deposit the amount of interest, if it is calculated properly. His statement is accepted.

Stay is granted to the execution of the decree till appearance of respondent No.1.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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Waghmare

Digitally signed by
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