

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1389 OF 2003

THE STATE OF MAHARASHTRA
VERSUS
CHINDU DEVACHAND CHOPADA

AND
FIRST APPEAL NO. 1387 OF 2003
AND
FIRST APPEAL NO. 554 OF 2004
AND
FIRST APPEAL NO. 552 OF 2004 WITH CROSS OBJ. ST. 82/2005
AND
FIRST APPEAL NO. 550 OF 2004
AND
FIRST APPEAL NO. 549 OF 2004
AND
FIRST APPEAL NO. 543 OF 2004
AND
FIRST APPEAL NO. 541 OF 2004
AND
FIRST APPEAL NO. 542 OF 2004
AND
FIRST APPEAL NO. 551 OF 2004

...
AGP for Appellant : Mr. S.S. Dande
Advocate for respondent : Mr. Milind M. Patil Beedkar (FA/552/2004
and for applicant in X-Objection St. no. 82/2005)
...

CORAM : ANIL S. KILOR, J.

DATE : 5th MAY, 2021

ORAL ORDER :-

These matters are arising out of the same project and same acquisition proceedings, which was the subject matter of First Appeal no. 641 of 2001 and it is stand settled by the decision dated 02-03-2015 of the learned Single Judge of this Court in the said First Appeal no. 641 of 2001 with connected First Appeals (*Kamaji S/o Shankar Jadhav Versus The State*

of Maharashtra and others), where the Single Judge has approved the very rates now granted by the Reference court in the impugned Judgment and Award. Therefore, he submits that by adopting the reasoning in the above referred case, these Appeals may be disposed of.

2. Mr. Milind Patil, learned counsel appearing in Cross Objection (St.) no. 82 of 2005 in First Appeal No. 552 of 2004, submits that the reasoning of the learned Reference Court that reliance at sale instance Exhibit 27 would be 'costlier affair', would be unreasonable. He submits that there should not have been hitch to fully accept the price quoted in the sale instance Exhibit 27.

3. In view of aforesaid submission, since this Court has already passed the Judgment and Order in the connected matters long back and it was not challenged in the Apex Court, it would not be appropriate to take different view, accordingly, I adopt the same view.

4. Accordingly, the First Appeals are dismissed. No order as to costs.

5. In view of the dismissal of First Appeal no. 522 of 2004, Cross Objection (St.) no. 82 of 2005 filed in said First Appeal, also stands disposed of.

(ANIL S. KILOR)
JUDGE