

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

Civil Application (CAF) No.616/2020
IN
First Appeal No.1407/2019

V.I.D.C. through Executive Engineer, Amravati Irrigation Division & Anr. **Vs.** Atmaram Laxmanrao
Kale & Ors.

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

Court's or Judge's Orders

Shri J.B. Kasat, Advocate for the Appellants.
Shri S.S. Shingane, Advocate for Respondent Nos.1 and 2.
Shri M.A. Kadu, AGP for Respondent Nos.3 and 4.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 4th MARCH, 2021.

Learned Counsel for respondent Nos.1 and 2 has made a statement that the matter is covered by judgment dated 27th September, 2019 in First Appeal No.1647/2019. On going through the said judgment, it is seen that this Court had dismissed the appeal holding that the rate awarded in respect of orange trees of 12 years of age was reasonable.

In the present case, apart from 42 orange trees of 12 years of age, there are also 37 orange trees of 6 years of age. The question whether the compensation paid in respect of 6 years old orange trees is reasonable or not, needs to be decided on merits. Hence, the appeal cannot be decided solely on the basis of this judgment. Therefore, the appeal be listed on final hearing board.

Civil Application (CAF) No.616/2020

The applicants/respondent Nos.1 and 2 have filed this application for withdrawal of amount deposited by the Appellant –

Acquiring Body.

In view of the reasons stated in the said application, the respondent Nos.1 and 2 are permitted to withdraw 75% of compensation deposited by the Appellant – Acquiring Body, subject to an undertaking that they shall refund the amount with interest, in the event the appellants succeed in the appeal.

The civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)