

1

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

FIRST APPEAL NO.1423 OF 2017

Executive Engineer, Khadakpurna Project,
Deulgaon Raja, tahsil Deulgaon Raja,
District Buldhana. **Appellant.**

:: VERSUS ::

1. Madan Appaji Kakad, aged 49 years,
Occupation agriculturist.
2. Bhagwan Appaji Kakad, aged 46 years,
Occupation agriculturist.
3. Gajanan Appaji Kakad, aged 42 years,
Occupation agriculturist.
4. Smt.Jijabai Karbhari Mundhe, aged 39 years,
Occupation agriculturist.

All r/o Waki B., tahsil Deulgaon Raja,
District Buldhana.

5. State of Maharashtra,
Through Special Land Acquisition Officer,
K.Project, Buldhana. **Respondents.**

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Shri Anoop Parihar, Counsel for the Appellant.
Mrs.S.Haider, AGP for Respondent No.5.
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CORAM : V.M.DESHPANDE, J.
DATE : NOVEMBER 26, 2021

ORAL JUDGMENT

1. Heard learned counsel Shri Anoop Parihar for the

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2

appellant and learned Assistant Government Pleader Mrs.S.Haider for respondent No.5/State.

2. On 30.6.2017, this appeal was admitted by this Court (Coram : Dr.(Smt.) Shalini Phansalkar-Joshi, J.).

3. Today, when the appeal is listed for non-filing of paper book, learned counsel Shri Anoop Parihar for the appellant submits that he has instructions from the appellant not to press the appeal and, therefore, he wishes to withdraw the appeal.

The statement is accepted.

4. The first appeal is **disposed** of as withdrawn.

5. Order dated 30.6.2017 passed by this Court (Coram : Dr.(Smt.) Shalini Phansalkar-Joshi, J.) shows that the appellant has already deposited entire compensation amount in Reference Court.

6. Since the appellant is withdrawing the appeal, original claimants are entitled to withdraw the amount of compensation.

7. Learned Judge of Reference Court is, therefore,

3

directed to permit original claimants to withdraw amount of compensation deposited by the appellant along with accrued interest thereon.

8. Since the appellant is withdrawing the appeal, the appellant is entitled for refund of Court Fees as admissible in law.

JUDGE

!! BRW !!

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