

1

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

FIRST APPEAL NO.1034 OF 2007

Executive Engineer,
Vidarbha Irrigation Corporation
Bembla Project Division, Yavatmal. **Appellant.**

:: VERSUS ::

1. Vasant s/o Udebhan Hajare,
Aged 66 years, occupation – agriculturist,
R/o Pahur, taluka Babhulgaon,
District Yavatmal.

(Appeal is abated against
respondent No.1 vide order
dated 18.12.2012).

2. The State of Maharashtra,
Through the Collector,
Yavatmal.

3. The Special Land Acquisition
Officer, Bembla Project Division,
Yavatmal. **Respondents.**

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Shri A.B.Patil, Counsel for the Appellant.
Ms T.H.Udeshi, Assistant Government Pleader for Respondent
Nos.2 and 3.

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CORAM : V.M.DESHPANDE, J.
DATE : NOVEMBER 18, 2021

ORAL JUDGMENT

1. This appeal is filed by the Executive Engineer,
Vidarbha Irrigation Corporation, Bembla Project Division, Yavatmal

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2

challenging judgment and award dated 15.3.2007 passed by learned 1st Ad hoc District Judge, Yavatmal in Land Acquisition Case No.229/2005 whereby the reference application filed by claimant was partly allowed.

2. On 13.6.2008, the appeal was admitted by this Court (Coram : A.P.Bhangale, J.) and *ad interim* stay was granted subject to the appellant's depositing entire decretal amount within a period of seven weeks from the date of the said day. The amount was not deposited. Therefore, on 8.8.2008 a conditional order was passed by this Court (Coram : S.R.Dongaonkar, J.) that if the amount is not deposited *interim* stay shall stand vacated.

3. Office note dated 31.12.2008 shows that since the amount was not deposited, *interim* order stands vacated by the end of 29.8.2008.

4. The paper book was prepared and the appeal was listed for final hearing.

5. Learned counsel Shri A.B.Patil represents the appellant. Whereas, learned Assistant Government Pleader Ms T.H.Udeshi represents respondent Nos.2 and 3/State.

3

6. Learned counsel for the appellant opens his submission by stating that this appeal needs to be dismissed in view of policy adopted by the Vidarbha Irrigation Development Corporation i.e. known as settlement policy. He submits that in view of the settlement policy adopted by the Vidarbha Irrigation Development Corporation, the appellant is required to pay meager additional amount Rs.1900/-. He, therefore, fairly submits that in view of the settlement policy the appeal be dismissed. The statement is accepted. He also points out that in fact no step was taken by the corporation for bringing legal representatives of the claimant on record and, therefore, order was passed by Registrar (J) on 18.12.2012 holding that the appeal is abated against respondent No.1.

7. Cumulatively, it appears that the appeal needs to be dismissed and accordingly it is dismissed and disposed of accordingly. No costs.

JUDGE

!! BRW !!

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