

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

Civil Application (CAF) No.784/2021
IN
First Appeal Stamp No.26261/2018

V.I.D.C. thr. Executive Engineer, Washim **Vs.** Gunwanta Mansukhlal Lathiya & Anr.

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

Court's or Judge's Orders

Smt. U.A. Patil, Advocate for the Appellant.
Shri Amol Dareker, Advocate for Respondent No.1.
Shri M.A. Kadu, AGP for Respondent No.2.

CORAM : S.M. MODAK, J.
DATE : 7th MAY, 2021.

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

Heard both the sides.

It is true that in the judgment of the reference court, Executive Engineer Minor Irrigation Division, Washim is made as a party and VIDC is not made as a party. They are necessary. Hence, permission is granted to prefer an appeal.

The civil application is disposed of.

Civil Application (CAF) Stamp No.26265/2018

Stay is granted to the execution of the impugned judgment and decree, subject to deposit of the decretal amount within a period of 12 weeks.

The civil application is disposed of.

The respondent No.1/original claimant is liberty to ask

for withdrawal.

First Appeal Stamp No.26261/2018

The judgment of the reference court dated 12th January, 2017 is challenged. There is a grievance for grant of excessive compensation.

Hence, **admit** the appeal.

Issue notice to the respondents.

Learned Advocate Shri Amol Darekar waives service of notice on behalf of respondent No.1 and learned AGP Shri M.A. Kadu waives service of notice on behalf of respondent No.2.

Call for the record and proceedings.

Appellant to supply copies to the respondents.

JUDGE