

K.S. Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 2366 OF 2022

IN

FIRST APPEAL NO. 2888 OF 2006

Yashwant Ramchandra Khatale

...Applicant/Appellant

Versus

**The Special Land Acquisition Officer
& Ors.,**

...Respondents

Ms. Gunjan Shah, Advocate for Applicant/Appellant.

Ms. Chaitali Deshmukh, Advocate for Respondent No.2.

CORAM : R.I. CHAGLA, J.

DATE : 8th DECEMBER, 2022.

ORDER :

1. By this Interim Application, the Applicant is seeking the expedition of the hearing of the First Appeal and for fixing early date of hearing of the First Appeal.

2. The Applicant/Appellant had by the First Appeal challenged the Judgment and Order dated 21st April, 2006 passed by the

District Judge, Nashik in Land Reference No.23 of 1999. By order dated 8th January, 2007. This Court admitted the First appeal and since then, the First Appeal has been pending for hearing and final disposal.

3. The Applicant/Appellant has stated that he is a Senior Citizen aged 73 years and is suffering from various ailments and the First Appeal has been filed for enhancement of the compensation as the Land Reference No.23 of 1999 filed by the Applicant was partly allowed. The Government had acquired the land of the appellant admeasuring 3 Hectors 54 Are and 0-05 fallow land out of Gat No.54.

4. Having considered the averments in the Interim Application, as well as taking into account that the First Appeal was admitted on 8th January, 2007 and concerns a limited issue with regard to enhancement of compensation for acquisition of land as well as taking into account the advance age of the Appellant, the First Appeal requires expeditious hearing. Hence, the following order is passed :

- i) The First Appeal is expedited and shall be placed for hearing on the weekly board on 16th January, 2023.
- ii) At this stage, learned Advocate for Respondent No.2 states that the Respondent No.2 is inclined to settle the matter provided that the cross appeal for enhancement of compensation which is the present appeal, is withdrawn.
- iii) The parties shall make an endeavour to settle the matter prior to the next date.
- iv) Interim Application is accordingly disposed.

[R.I. CHAGLA, J.]