

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

Civil Application (F) No.2968/2018 in First Appeal St. No.2235/2018

VIDC thr Executive Engineer V Pandurang Parkunde and others

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

Court's or Judge's Orders

Mr. M.A. Kadu, Advocate for applicant.

Miss. Lakhani, Advocate for non-applicant no.1.

Mrs. Mayuri Deshmukh, AGP for non-applicant nos.2 and 3.

CORAM : AVINASH G GHAROTE, J.

DATE : 23-11-2022

Civil Application (F) No. 2968/2018, seeks
condonation of delay of 223 days in filing the First Appeal.

2. Miss. Lakhani, learned Counsel for the legal heirs of non-applicant no.1 and Mrs. Mayuri Deshmukh, learned AGP for non-applicant nos. 2 and 3, have no objection, considering which, the delay is condoned. Civil Application is allowed.

3. Office to register the appeal.

First Appeal St. No.2235/2018

The appeal challenges the judgment of the Reference Court dated 06-12-2016, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs. 550/-per sq.mtr. and has granted compensation for the constructed area at the rate of Rs.1900/- per sq. mtr., in respect of Plot No.98, admeasuring 134.70 sq.mtrs. having a constructed area of 85.30

sq.mtrs. at village Thalegaon, Tq. Babhulgaon, Distt. Yavatmal. In First Appeal No. 580/2010 (VIDC Vs Waman Mahajan and others) decided on 21-11-2022, the rate of open land for the village Thalegaon, has been decided as Rs.500/- per sq.mtr., considering which, the impugned judgment under reference which grants the rate of Rs.650/- per sq.mtr., needs to be modified.

2. Similarly, in First Appeal No.525/2016 (VIDC thr. Executive Engineer V Bhujangrao Dhopate and others) decided on 23-11-2022, I have upheld the grant of compensation for the constructed area at the rate of Rs. 2379/- per sq.mtr., considering which the judgment of the Reference Court, which grants compensation at the rate of Rs.1900/- per sq.mtr. for the constructed area is more than reasonable and does not need any interference.

3. Since, there is no cross objection and there is no challenge in the present appeal as to the rate of compensation in respect of constructed land, there is no necessity to go into that aspect.

4. Resultantly, the appeal is partly allowed. The judgment dated 06-12-2016, passed by the Reference Court, is hereby modified by reducing the rate of open land from Rs. 550/- per sq.mtr. to Rs. 500/- per sq.mtr. Rest of the judgment is maintained.

5. At the request of Miss. Lakhani, learned Counsel for the legal heirs of respondent no.1, her clients are permitted to

withdraw the amount with accrued interest, to the extent, it is permissible in view of this judgment.

JUDGE

Deshmukh