

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

CIVIL APPLICATION (CAF) NO. 2016 OF 2022

IN

FIRST APPEAL NO. 163 OF 2020

Vidarbha Irrigation Development Corporation, Amravatia and anr.

Vs.

Gulabrao Bhagwanji Dhuldhar (deceased) Thru. LRs

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

Court's or Judge's Orders.

Mrs. Anjali A. Joshi, Advocate for applicant.
Mr. R.J. Shinde, Advocate for respondent No.1.
Mr. M.A. Kadu, AGP for respondent/State.

CORAM : ABHAY AHUJA, J.

DATE : 19.09.2022.

Mrs. Joshi, learned counsel for the applicant – Corporation seeks time to file reply. Let the reply be filed within a period of three weeks. Rejoinder if any, may be filed by the week thereafter.

2. List the matter on 21.10.2022.

Civil Application (CAF) No.3707/2019

The learned counsel for the appellant – Corporation states that the entire amount has already been deposited in this Court on 19.08.2019

and 15.09.2020, as such, nothing survives in the application.

2. The civil application is accordingly disposed.

3. Let the stay granted earlier be continued till the disposal of the appeal.

First Appeal No.163/2020

This is an appeal challenging the judgment and award passed by the Civil Judge Senior Division, Achalpur, in LAC No.65/2010, decided on 05.12.2017, enhancing the compensation granted by the Land Acquisition Officer.

2. Mrs. Joshi, learned counsel for the appellant – Corporation submits that while the Land Acquisition Officer has valued the land @ Rs.2,480/- and Rs.9,359/-, the reference Court has granted compensation @ Rs.5,328/- per tree for 17 orange trees situated in the acquired land. She submits that there is no evidence in support of such a valuation by the reference Court. The learned counsel also submits that similar matters have already been

admitted by this Court and therefore, this case may also be admitted.

3. Mr. Shinde, learned counsel for the respondent No.1 and Mr. Kadu, learned AGP, have no objection, if the appeal is admitted.

4. Having heard the learned counsel for the appellant and having perused the appeal, the following order is passed :

ORDER

Admit.

2. Registry is directed to call for Record and Proceedings within a period of four weeks.

3. Private Paper book along with compilation of documents and evidence be filed within a period of four weeks thereafter.

4. Let the Private paper book be served on the respondents within a period of two weeks and an affidavit of service with tangible proof be filed in this Court.

5. List the appeal on **22.10.2022**.