

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

CAF No.914/2022 in First Appeal No.748/2022

Executive Engineer, Madhyam Prkalp Vibhag, Yavatmal V Sheshrao Khatare thr Lrs and
others

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

Court's or Judge's Orders

Mrs. Ira P. Khisti, Advocate for appellant.
Miss. H.N. Jaipurkar, AGP for resps. no.7 and 8.

CORAM : ABHAY AHUJA, J.
DATE : 10-11-2022

. Mrs. Khisti, learned Counsel for the appellants submits that the entire amount has been deposited in this Court and that the stay granted pursuant to order dated 16-09-2022 be continued till the final disposal of this Appeal.

2. The respondents no.1 to 6 though served are not present/represented.

3. Learned AGP has no objection if the application is disposed as prayed for.

4. Having heard the learned Counsel and having perused the application, let the stay granted vide order dated 16-09-2022 continue till the final disposal of the Appeal.

5, Application stands allowed.

First Appeal No.748/2022

. By this Appeal, the Appellant is impugning the order dated 23-10-2019 passed by the Civil Judge, Senior Division,

Darwha in LAC No.16/2010 enhancing the compensation. Mrs. Khisti, learned Counsel for the appellant-Acquiring Body draws the attention of this Court to the grounds in the Appeal to submit that the Reference Court has exorbitantly enhanced the compensation granted by the Land Acquisition Officer in respect of the land as well as the trees. She would submit that the Land Acquisition Officer had awarded compensation based on material and evidence on record whereas, the Reference Court has enhanced the same without considering several factors such as proximity, frontage of the road, potentiality of development around the area, remoteness from the locality which would depreciate the valuation. She would submit that the trial Court has relied upon the decision in LAC No.2/2010 which is under challenge in First Appeal (Stamp) No.10440/2016, which is pending. She submits that therefore this appeal be admitted and be heard along with First Appeal (Stamp) No.10440/2016.

2. Having heard the learned Counsel for the applicant and having perused the application, the following order is passed :-

3. **Admit.**

4. Registry is directed to call for the record and proceedings within a period of four weeks.

5. Let the private paper book be filed within a period of four weeks thereafter with a copy to other side.

6. List the matter on 04-01-2023 along with First Appeal (Stamp) No.10440/2016.

(Abhay Ahuja, J.)