

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

CIVIL APPLICATION (F) NO.2305 OF 2022

IN

FIRST APPEAL NO.99 OF 2019

{Executive Engineer ..V/s.. Sahebrao Bhiwaji Doble and Ors.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A. B. Nakshane, Adv. h/f. Shri A. Parihar, Advocate for the Applicant/Appellant.

Shri C. R. Najbile, Advocate for the Respondent No.1.

Ms H. N. Jaipurkar, AGP for the Respondents No.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 10th NOVEMBER, 2022.

. This is an application seeking to bring on record the heirs of deceased Respondent No.1.

2. Learned counsel for Applicant-Acquiring Body would submit that he has no objection, if the heirs are brought on record.

3. Having heard learned counsel and having perused the application, let the heirs of deceased Respondent No.1 be brought on record as mentioned in para 2 of the said application.

4. Let the amendment be carried out forthwith. The application stands allowed and disposed.

FIRST APPEAL NO.99 OF 2019.

5. Learned counsel for Appellant-Acquiring Body would submit that this appeal is covered by the decision of this Court in First Appeal No.64 of 2017 and as such this

appeal may also be dismissed.

6. It is observed from the papers and proceedings that the land subject matter of this appeal has also been acquired pursuant to Section 4(1) Notification dated 29.07.1995 for the KAR River Project arising out of the common judgment and award dated 04.05.2013, passed by the Joint Civil Judge Senior Division, Nagpur.

7. Having heard learned counsel and having perused the papers, this Court is of the view that since the acquisition pertains to the same village on the basis of the same Section 4(1) Notification for the same project and in view of the statement of the counsel for the Acquiring Body the first appeal is covered by the decision of this Court dated 18.10.2022 in First Appeal No.64 of 2017 as well as the decision of this Court in First Appeal No.1029 of 2014, this appeal is **dismissed**.

8. The Acquiring Body to act accordingly to disburse the amounts awarded by the Reference Court after due verification within a period of eight weeks. Appeal stands disposed in the above terms.

(JUDGE)

TAMBE