

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

CIVIL APPLICATION (CAF) NO.884 OF 2023
IN
FIRST APPEAL NO.584 OF 2015 (D)

Vidarbha Irrigation Development corporation through Executive Engineer Bembla
Project Awadhootwari, Yavatmal

Vs.

Vitthal Annaji Adekar and others

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

Court's or Judge's orders

Mr. P. B. Patil, Advocate for appellant.
Mr. M. V. Bhute, Advocate for respondent Nos.1, 2(a) to 3.
Ms. T. Udeshi, AGP for respondent Nos.4 and 5.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/03/2023

1. Present application is filed for speaking to minutes as in para No.15 of the Judgment it is specifically observed by this Court that “considering the fact that the village Malapur has common boundary with village Pahur and Dighi, this Court has held that it would be appropriate if the rate granted for village Dighi which is at Rs.500/- per square meter for plot, is maintained for village Malapur also. This Court further held that the learned Reference Court, while granting the rate of Rs.500/- per square meter has rightly considered the rates for the village Dighi”

2. In view of that, it is held by this Court that the claimants are entitled to receive the compensation at

the rate of Rs.500/- per square meter.

3. Present appeal was preferred by the acquiring body as trial Court has awarded the compensation at the rate of Rs.650/- per square meter. While maintaining the award, this Court has held that the claimants are entitled to receive the compensation amount at the rate of Rs.500/- per square meter. In view of that, it was required to mention that appeal is partly allowed and compensation amount is to be reduced from Rs.650/- to Rs.500/- per square meter.

4. Learned Advocate Mr. Bhute for the claimants is present before the Court, he also accepted the said contention. Learned AGP Ms. Udeshi for the respondent Nos. 4 and 5 has also accepted the same situation.

5. In view of the observations made in the judgment it was required to mention that appeal is partly allowed and the award is modified to the extent that the claimants are entitled to receive compensation at the rate of Rs.500/- per square meter.

6. In view of the above observations, the operative portion of the Judgment passed in First Appeal No.584/2015 is to be corrected in para No.17 by mentioning that “the appeal is partly allowed and

(3)

caf.884.2023

claimants are entitle to receive the compensation at the rate of Rs.500/- per square meter for the acquired plot.”

7. In view of that, the award passed by the Reference Court is modified.

8. Civil Application is allowed and disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate