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{fa1482.21}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

30 FIRST APPEAL NO. 1482 OF 2021

THE EX. ENGINEER, LIFT IRRIGATION DEPARTMENT OSMANABAD

VERSUS

THE STATE OF MAHARASHTRA AND ORS

WITH

CIVIL APPLICATION NO. 7865 OF 2021

IN FA/1482/2021

None for the appellant.

Mr.K.S. Hoke Patil, AGP for the respondent-State.

Mr.S.G. Jadhavar and Mr. V.C. Patil, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 18.10.2024

PC :-

01. This Court by order dated 30.08.2024 has specifically directed the learned Advocate for the appellant to take instructions in view of Government Resolution dated 03.11.2016 since the enhancement granted is less than four times of the original award passed by the learned SLAO. Similar order was passed on 03.10.2024.

02. On 03.10.2024 this Court had made it clear that if the appellant does not turn up, this Court will consider to dispose off the matter. Today also when the matter is called out, learned Advocate for the appellant is absent. This court has observed that the SLAO had granted rate of Rs.1000/- per R, which is enhanced to Rs.2944/- per R

by the Reference Court. This case is clearly covered by Government Resolution dated 03.11.2016 and the corrigendum issued thereafter. The policy of the Government vide same Government Resolution is not to prefer appeal where amount of enhancement is less than four times of the amount awarded by the SLAO.

03. In spite of granting sufficient opportunity, the learned Advocate for the appellant has not appeared. This Court finds that the appellant is not interested in prosecuting the appeal. Therefore, this Court has no option but to dismiss the appeal for want of prosecution.

04. The appeal is dismissed for want of prosecution. In view of disposal of the appeal, pending Civil Application stands disposed off.

05. The amount lying in the office this Court shall be disbursed to the respondents-claimants after 8 (eight) weeks from today.

[KISHORE C. SANT, J.]