

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 428 OF 2009
WITH
CIVIL APPLICATION NO. 1465 OF 2009
IN
FIRST APPEAL NO. 428 OF 2009**

The State Of Maharashtra

... Appellant

Vs.

Shri. Dattu Maryappa Khamkar (Since Deceased ... Respondents
By Legal Heirs) 1-A) Shri. Balu Dattu Khamkar
And Othr

Mr. A. R. Patil, AGP for the State.

Mr. Gautam R. Kulkarni, i/by Mr. Satyajeet A Rajeshirke, for the
Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 3rd APRIL, 2024

P.C.:-

1. This Appeal is arising out of Judgment and Order dated 09.10.2007, passed by the District Judge-1, Gadhinglaj in LAR No. 26 of 2000. The amount of Rs. 1,22,160/- is enhanced to Rs. 2,90,400/- by the Reference Court.

2. Considering that the amount is less than 4 times of the rate granted by the SLAO, in view of the GR dated 3rd November, 2016 and 11th May, 2018, it is submitted that the Appeal can be disposed of.

3. By GR dated 3rd November, 2016 bearing No.

Sankirn-2014/PK.41/part- 1/A-4 the government decided not to file Appeals where the amount of compensation is enhanced for less than 4 times. By GR dated 11th May, 2018 corrigendum came to be issued with some modifications. It is also stated that where Appeals are already preferred, such appeals be placed before Lok Adalat for compromise. It is thus clear that the Government has taken a policy decision not to prosecute such appeals.

4. In view of the above position, the learned AGP, seeks withdrawal of the appeals. Leave granted. The Appellant shall be entitled to refund of a Court fee as per the rules. The amount, if deposited in this Court shall be paid to the Respondent/Claimant alongwith interest, if any, accrued thereon. If the amount is deposited in the Reference Court, the Reference Court is directed to pay the amount to the Respondent/Claimant along with interest, if any, accrued thereon.

5. The Respondent/Claimant is at liberty to prosecute their Cross Objections which are pending, independently.

6. First Appeal stands disposed of. No Order as to costs.

7. Pending Applications, if any, stand disposed of in view of the disposal of the Appeals.

(KISHORE C. SANT, J.)