

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

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**CIVIL APPLICATION NO.100 OF 2024
IN
FIRST APPEAL STAMP NO.41194 OF 2000
WITH
FIRST APPEAL STAMP NO.41194 OF 2000
WITH
CIVIL APPLICATION NO.102 OF 2024
WITH
CIVIL APPLICATION NO.101 OF 2024
WITH
CIVIL APPLICATION NO.5013 OF 2001
WITH
CIVIL APPLICATION NO.5014 OF 2001**

The State of Maharashtra & Anr. ..Applicants
Versus

Shri. Anna Narasgonda Patil
Since deceased through legal heirs
Smt. Indubai Anna Patil & Ors. ..Respondents

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

CORAM : KISHORE C. SANT, J.

DATE : 12th APRIL, 2024

PC.

1. This Application is filed seeking restoration of the Civil Application No.5013 of 2001 that was filed for condonation of delay. The Application for condonation of delay came to be rejected for want of removal of objections by way of conditional order passed by learned Registrar (Judicial).

2. Another Application No.5014 of 2001 is for stay to the impugned judgment and order.

3. Learned AGP submits that the challenge in the Appeal is to the judgment and award passed by learned 5th Additional District Judge, Kolhapur, wherein common judgment and award came to be passed. Learned AGP submits that the award was passed in reference under Section 18 of the Land Acquisition Act. Learned SLAO had awarded compensation of Rs.1,20,000/- for the land under acquisition. Learned Trial Judge enhanced the amount to Rs.2,40,000/- i.e. double than the amount awarded by the SLAO. From the above, it is seen that the amount enhanced itself is within four times. In view of GRs dated dated 3rd November, 2016 and 11th May, 2018, this Court finds that the Appeal required to be allowed. Learned AGP seeks leave to withdraw the Appeal itself. In view of the above said GRs, nothing survives in the challenge.

4. Hence, the present Application stands allowed. Delay condonation application stands withdrawn.

6. Consequently, the First Appeal Stamp No.41194 of 2000 also stands disposed.

7. The Appellant shall be entitled to refund of Court fee as applicable under the rules.

8. All pending Applications stands disposed of.

[KISHORE C. SANT, J.]