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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 12833 OF 2024
IN FAST/30473/2024

VIDYA PRABHAKAR KULKARNI

....Applicant

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI PROJECT
HATNOOR JALGAON AND ORS

.....Respondent

.....

Advocate for Applicant : Mr. Bhokarika Madhav M.
AGP for respondent/State : Mr. V.S. Badakh.

CORAM : S.G. CHAPALGAONKAR, J.
DATE : 4TH MARCH, 2025.

ORDER :-

1. Heard Mr. Bokharika, learned advocate for the applicant. He invites attention of this Court to the Division Bench judgment in the case of *Diwakar Prabhakar Chopde vs. Sub Divisional Officer (LA) Sillod reported in 2019(6) ABR 476 (Bom H.C.- D.B)*, wherein, it has been held that in case of dismissal of reference in default and not on merit, the order cannot be considered as award and would not constitute as decree within the meaning of Section 26 of the Land Acquisition Act. In that view of the matter, he seeks permission to withdraw the present application with liberty to file appropriate proceeding as permissible under law.

2. In view of the submissions advanced, application is permitted to be withdrawn with liberty to file appropriate proceedings within a period of 3 weeks from today. In case alternate proceeding is filed, the time consumed in prosecuting present application shall be

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considered. The applicant shall also be entitled for refund of the Court fees, as per rules. Civil application is disposed of. Consequently, first appeal also stands disposed of.

[S.G. CHAPALGAONKAR, J]

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