

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

FIRST APPEAL STAMP NO. 14737 OF 2010

Godavari Khore Marathwada Irrigation
Development Corporation through The
Executive Engineer .. Appellant

Versus

Sitabai Chhabu Bhalerao and another .. Respondents

Mrs. Geeta L. Deshpande, Advocate for the Appellant.
Shri W. S. Jadhav, Advocate for the Respondent Nos 1.
Shri S. P. Sonpawale, A.G.P. for Respondent Nos. 2 and 3.

WITH

**FIRST APPEAL STAMP NO. 14704 OF 2010
FIRST APPEAL STAMP NO. 14713 OF 2010
FIRST APPEAL STAMP NO. 14682 OF 2010
FIRST APPEAL STAMP NO. 14294 OF 2010
FIRST APPEAL STAMP NO. 14693 OF 2010**

**CORAM : S. V. GANGAPURWALA, J.
DATE : 23RD OCTOBER, 2015.**

PER COURT :

. The learned counsel for the claimants Mr. Jadhav, has brought to my notice the order passed by this Court dated 23rd July, 2012, in first appeal No. 189 of 2012, with other connected appeals and submits that, in some of the matters arising out of the same acquisition proceedings this Court has remitted the matters back to the Reference Court as acquiring body was not a party. In the present cases also the same scenario exist. This

fact is also accepted by Mrs. Deshpande, the learned counsel for the acquiring body and the learned A. G. P.

2. The learned counsel for the acquiring body, the learned A. G. P. and Mr. Jadhav the learned counsel for the claimants request to adopt the same course and matter be remitted back.

3. In light of that, impugned judgment and award passed by the Reference Court is quashed and set aside. The References are restored restored to their original position. The claimants shall add the present acquiring body as party to the said references. The parties shall appear before the Reference Court on 23rd November, 2015. The Reference Court shall give opportunity to all the parties to adduce evidence and so also give opportunity to acquiring body to file written statement. The acquiring body shall file written statement within one month from the date of appearance before the Reference Court. Considering the fact that, the matters are remitted back, the Reference Court shall endeavor to dispose of the references expeditiously preferably within within a period of nine (9) months from the date of appearance. First appeals accordingly are disposed of. No costs.

[S. V. GANGAPURWALA, J.]