

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

FIRST APPEAL STAMP NO. 23248 OF 2012

The State of Maharashtra and others .. Appellants

Versus

Pralhad Vithalrao Zungure and another .. Respondents

Shri A. M. Phule, A.G.P. for Appellants/State.

Shri W. S. Jadhav, Advocate for the Respondent Nos. 1 and 2.

Mrs. Geeta Deshpande, Advocate for the Intervenor.

WITH

FIRST APPEAL STAMP NO. 23310 OF 2012

FIRST APPEAL STAMP NO. 23316 OF 2012

FIRST APPEAL STAMP NO. 23313 OF 2012

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 claimant request to adopt the same course and matters 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 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 and preferably within a period of nine (9) months from the date of appearance. First appeals accordingly are disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15