

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4172 OF 2015
IN
FIRST APPEAL NO.360 OF 2010

Smt. Thakubai Shiva Dhonde,
Since deceased through her Legal Heirs-

1a) Balu Laxman Dhonde and
1b) Sakharam Shiva Dhonde. .. Applicants

In the matter between -

Maharashtra Krishna Valley
Development Corporation. .. Appellant

Vs

Thaku Raju Venupure and Others. .. Respondents

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Shvi Vikas Shivarkar for the Applicants in both the Applications.

Shri V.S. Tadake i/b Shri U.B. Nighot for the Appellant.

Shri Gaurav Potnis i/b Mrs.Pallavi Potnis for the Respondent Nos.1 to 6.

Shri A.R. Patil, AGP for the Respondent Nos.7 and 8.

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CORAM : A.S. OKA & G.S.PATEL, JJ

DATED : 18TH DECEMBER 2015

PC.

1. This is a Civil Application preferred by the Applicant who was not a party to the proceedings before the Reference Court as well as to the First Appeal. The challenge in the First Appeal is to the Award made in a Reference under Section 18 of the Land Acquisition Act, 1894 (for short "the said Act of 1894"). The Appeal has been preferred by

the Maharashtra Krishna Valley Development Corporation, which is claiming to be an Acquiring Body. Admittedly, the Applicants did not seek a Reference under Section 18 of the said Act of 1894. The Applicants were, therefore, not parties to the Reference in which the judgment and award subject matter of challenge in the First Appeal has been made. Admittedly, the notices under Section 19 of the said Act of 1894 were not issued to the Applicants in the Reference.

2. The learned counsel appearing for the Applicants submits that the Applicants are challenging the entitlement of the Claimants under References under Section 18 of the said Act of 1894 to receive the compensation.

3. Section 18 of the said Act of 1894 provides for the period of limitation for seeking a Reference. The law is well settled that the period provided for making an application for Reference under Section 18 of the said Act of 1894 cannot be extended. The Court is powerless to extend the said period.

4. As the Applicants were not parties to the Reference which is the subject matter of the impugned judgment and award, the Applicants have no locus in the Appeal arising out of the Award made in the Reference.

5. Therefore, considering the scope of the Reference under Section 18 of the said Act of 1894, the Applicants are neither necessary nor proper parties to the First Appeal. Accordingly, the Application is rejected.

6. We, however, make it clear that we have made no adjudication on the contentions raised by the Applicants on the issue of their alleged entitlement to receive compensation. Other remedies, if any, available to the Applicants are expressly kept open.

(G.S.PATEL, J)

(A.S. OKA, J) -