

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.936 of 2014

VIDC through Executive Engineer Upper Wardha Dam Division, Amravati.

...Versus...

Bapurao Suryabhan Harale and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.B. Patil, Advocate for the appellant.
Mrs. Varsha Wasu, Advocate for respondent no. 1.
Shri M.A. Kadu, AGP for respondent nos. 2 to 4.

CORAM : Z.A. HAQ, J.

DATE : 18.02.2015

The appellant Vidarbha Irrigation Development Corporation (Acquiring Body) was not impleaded as party before the Reference Court. The appellant Vidarbha Irrigation Development Corporation has filed this appeal. This court by the order dated 21.2.2014 has granted leave to file appeal.

It being an admitted fact that the appellant Vidarbha Irrigation Development Corporation was not impleaded as party before the Reference Court and this issue having been considered in several matters including First Appeal No. 161/2014 decided on 10.6.2014, the following order is passed.

(1) The order passed by the Reference Court in LAC No. 259/2005 on 29.2.2012 is set aside. The matter is remitted to the 4th Joint Civil Judge, Senior Division, Wardha for deciding the reference afresh after permitting the impleadment of Vidarbha Irrigation Development Corporation as party to the reference.

(2) The representative of the appellant and the

respondent nos. 2, 3 & 4 and the respondent no. 1 shall appear before the learned 4th Joint Civil Judge, Senior Division, Wardha on 20.3.2015 at 11.00 a.m. and abide by the further instructions/orders.

(3) The appeal is allowed in the above terms.

(4) In the circumstances, the parties to bear their own costs.

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In view of the disposal of the appeal, the civil application has become infructuous. It is disposed accordingly.

JUDGE

Hirekhan