

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

FIRST APPEAL NO.271/2000

Vidarbha Irrigation Development Corporation, Nagpur, through its Executive Engineer
..Versus..

Champatrao S/o Kashinath Raut and another

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 5.1.2015

Heard Shri A.V. Palshikar, the learned advocate for the
appellant, Shri C.R. Najbile, the learned advocate for respondents 1(a)
to 1(c) and Ms. A.R. Taiwade, the learned A.G.P. for respondent no.2.

In view of the judgment given by the Hon'ble Supreme Court in
the case of *Abdul Rasak and others V/s. Kerala Water Authority and
others* reported at **AIR 2002 SC 817** and it being an admitted fact that
the appellant - Vidarbha Irrigation Development Corporation was not
impleaded as party to the reference proceedings, the matter is remitted

to the Reference Court for fresh decision according to law and as laid down by the Hon'ble Supreme Court in the above referred judgment. The parties to appear before the Reference Court (Joint Civil Judge Senior Division, Nagpur) on 9th February, 2015 at 11 a.m. and abide by the orders passed by the Reference Court. The appeal is allowed in the above terms. In the circumstances, the parties to bear their own costs.

CROSS OBJECTION STAMP NO.20324/2000

In view of the disposal of the appeal, the cross objection is also disposed of in the above terms. No costs.

C.A.F. NO.3097/2014

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

JUDGE