

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

CIVIL APPLICATION F. NO.1460/2014

IN

FIRST APPEAL ST. NO.3941/2014

Vidarbha Irrigation Development Corporation through Executive Engineer,
Bembal Project Division, Yavatmal, Tq. and Distt. Yavatmal

...Versus...

Devidas Vishwanath Kumbharkhane 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.S. Agrawal, Adv. h/f Shri P.B. Patil, Adv. for applicant
Shri M.A. Kadu, AGP for respondent nos.6 and 7

CORAM : Z.A. HAQ, J.

DATE : 18.02.2015

This application is filed by the Vidarbha Irrigation Development Corporation seeking permission to file the appeal.

It is undisputed that the Vidarbha Irrigation Development Corporation (Acquiring Body) was not impleaded as party before the reference Court.

In view of the judgment given by this Court in the case of Vidarbha Irrigation Development Corporation, Buldhana...Versus...Sadanand s/o Damodhar Mawale and others, reported in 2010 (3) Mh.L.J. 581, the civil application is allowed. Leave to file appeal is granted.

FIRST APPEAL ST. NO.3941/2014

In view of the judgment given by this Court in the case of Vidarbha Irrigation Development Corporation,

Buldhana...Versus...Sadanand s/o Damodhar Mawale and others, reported in **2010 (3) Mh.L.J. 581**, the order passed by the reference Court has to be set aside. Hence, the following order :

The order passed by the reference Court in Land Acquisition Case No.285/2005 on 20.10.2011 is set aside. The matter is remitted to the learned Civil Judge (Senior Division), Yavatmal for deciding the reference afresh after permitting the Vidarbha Irrigation Development Corporation to get impleaded as party to the proceedings. The representative of the appellant and the respondent nos.6 and 7 shall remain present before the learned Civil Judge (Senior Division), Yavatmal on 18.03.2015 at 11:00 a.m. and abide by the further instructions/orders in the matter. The Court may issue notice to the respondent nos.1 to 5, if required.

The first appeal is allowed in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Wadkar