

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

**CIVIL APPLICATION F. NO.2304/2014**

**IN**

**FIRST APPEAL ST. NO.9966/2014**

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

**...Versus...**

**Sarang Bhanudas Tone and others**

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

Shri A.S. Agrawal, Adv. h/f Shri P.B. Patil, Adv. for applicant  
Shri Loney, Advocate for respondent no.1  
Shri M.A. Kadu, AGP for respondent nos.2 and 3

**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.9966/2014**

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.397/2006 on 14.2.2010 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 respondent no.1 and the representative of the appellant and the respondent nos.2 and 3 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 first appeal is allowed in the above terms. In the circumstances, the parties to bear their own costs.

**JUDGE**

Wadkar