

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO.3853 OF 2016
IN FA/849/2007

SHAHADA TALUKA CO-OPERATIVE EDUCATION SOCIETY,
SHAHADA THR ITS CHAIRMAN MOTILAL F
VERSUS

SHAHADA MUNICIPAL COUNCIL, SHAHADA AND ORS

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Adv.for Applicant : Mr. Chaudhari Vaishali S.
Mr. J R Shah, Adv. For R/1
Mr. NT Bhagat, AGP for Respondents: 2.

CORAM : P.R.BORA, J.

DATE : 22nd April, 2016.

PER COURT :

1) Heard the learned counsel appearing for the respective parties. By filing the present application, the original claimant is praying for sending back the Record and Proceeding received in the present appeal to the Reference Court.

2) In Writ Petition No.8313/2015 filed by the present applicant, this Court has directed the Reference Court to decide the Day Application No.2/2004 within a period of three months. The leaned counsel further submitted that for deciding the said Day application, the Record and Proceeding will be required before the Reference Court.

3) Shri Shah, learned counsel appearing for

the acquiring body, who has filed the First Appeal No.849/2007, has opposed for the request so made. The learned counsel submitted that the First Appeal is ready for hearing and it can be disposed of on merits. The learned Counsel further submitted that otherwise also, the purpose of filing the Day application would ultimately not succeed, if the order passed by the Reference Court is modified.

4) After having considered the submissions, it appears to me that in view of the order passed by this court in Writ Petition No.8313/2015, it would be necessary to send back the Record and Proceeding to the trial court. Hence, the following order, -

ORDER

- a) The Record and Proceeding be send back to the concerned trial court;
- b) The Civil Application stands disposed of.

(P.R.BORA)
JUDGE

bdv/