

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

922 CIVIL APPLICATION NO. 10327 OF 2013
IN FAST/12620/2013 WITH CA/10328/2013 IN FAST/12620/2013
WITH CA/10329/2013 IN FAST/12620/2013 WITH CA/10330/2013
IN FAST/12902/2013 WITH CA/10331/2013 IN FAST/12902/2013
WITH CA/10332/2013 IN FAST/12902/2013 WITH CA/10333/2013
IN FAST/12898/2013 WITH CA/10334/2013 IN FAST/12898/2013
WITH CA/10335/2013 IN FAST/12898/2013 WITH CA/10336/2013
IN FAST/12894/2013 WITH CA/10337/2013 IN FAST/12894/2013
WITH CA/10338/2013 IN FAST/12894/2013 WITH CA/10339/2013
IN FAST/12890/2013 WITH CA/10340/2013 IN FAST/12890/2013
WITH CA/10341/2013 IN FAST/12890/2013 WITH CA/10342/2013
IN FAST/12886/2013 WITH CA/10343/2013 IN FAST/12886/2013
WITH CA/10344/2013 IN FAST/12886/2013 WITH CA/10345/2013
IN FAST/12882/2013 WITH CA/10346/2013 IN FAST/12882/2013
WITH CA/10347/2013 IN FAST/12882/2013 WITH CA/10348/2013
IN FAST/12877/2013 WITH CA/10349/2013 IN FAST/12877/2013
WITH CA/10350/2013 IN FAST/12877/2013 WITH CA/10352/2013
IN FAST/12869/2013 WITH CA/10353/2013 IN FAST/12869/2013
WITH CA/10354/2013 IN FAST/12869/2013 WITH CA/10356/2013
IN FAST/12865/2013 WITH CA/10357/2013 IN FAST/12865/2013
WITH CA/10358/2013 IN FAST/12865/2013

GODAWARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION LATUR MINOR IRRIGATION DIV
VERSUS
BASHIR HAKANI SHAIKH AND OTHERS

...
Advocate for Applicant : Kalpalata Patil Bharaswadkar
AGP for Respondents/State & SLAO : S.P. Sonpawale
Advocate for original claimants : P.G. Sontakke
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CORAM : T.V. NALAWADE, J.
DATED : 28th June, 2016.

ORDER :

1. In applications filed for leave to file appeal, heard the learned counsel for Acquiring Body. Heard the learned counsel for original claimants. She submits that notice is received by her

and she has already filed her power. It appears that the present applicant, Acquiring Body came in existence in 1998, but it was not made party to the land reference proceedings which were filed in the year 2007. In view of these circumstances and as the Acquiring Body has right to contest the matter, all the applications filed for leave to file appeal are allowed and disposed of.

2. Issue notice in delay condonation applications. It is waived by Mrs. P.G. Sontakke for original claimants. The learned AGP waives notice for State and SLAO. Heard the learned counsel for Acquiring Body in delay condonation applications. Though there is huge delay, there was the contention that Acquiring Body was not party to the proceedings and it is its case that only after receipt of notice from Executing Court, the Acquiring Body learnt about the the decisions. Other side has opposed the prayer. In view of the facts and circumstances of the case and submissions made, the applications are allowed. Delay is condoned.

3. Heard the learned counsel for Acquiring Body on stay applications. Seen the judgment and award. Acquiring Body was not made party to the land references. In view of the reasoning

given, this Court holds that stay can be granted subject to condition of deposit of entire amount of compensation within 10 weeks from today. Subject to that condition, applications are allowed and disposed of.

4. Heard the learned counsel for Acquiring Body in appeals. In view of the fact that the Acquiring Body was not party to the references which were pending before the Reference Court and it has right to contest the matters, the appeals are **admitted**. Notice after admission is waived by Mrs. P.G. Sontakke for original claimants and the learned AGP for respondents, State and SLAO.

5. Call record and proceedings.

[T.V. NALAWADE, J.]

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