

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

First Appeal No.681 of 2014

The Godawari M.I.D.C.
Through
The Executive Engineer, Vaijapur. .. **Appellant.**

Versus

The State of Maharashtra
And Another. .. **Respondents.**

Shri. N.R. Thorat, Advocate, holding for Shri. V.R.
Sonwalkar, Advocate, for appellant.

Shri. C.V. Dharurkar, Assistant Government Pleader, for
respondent No.1.

Shri. A.B. Kale, Advocate, holding for Shri. C.K.
Sonawane, Advocate for respondent No.2 - L.Rs.

CORAM: T.V. NALAWADE, J.

DATE : 16th FEBRUARY 2016

ORDER:

1) Both the sides are heard. Learned counsel of the appellant has produced a copy of decision given by this Court in First Appeal No.2158 of 2009. In view of the same circumstances this Court set aside the award and remand the matter to the Reference Court for fresh trial. In view of the order made, in same terms, the appeal is allowed and following order is made :-

2) The judgment and award of the Reference Court is set aside.

- (i) The matter is remanded to the Reference Court for deciding it afresh.
- (ii) The appellant is to be added as respondent in the Reference.
- (iii) The parties to appear before the Reference Court on 21-3-2016.
- (iv) The appellant will be allowed to file written statement.
- (v) Both the sides are entitled to lead evidence / additional evidence.
- (vi) The Reference Court is to decide the matter expeditiously and in any case within six months from the date of aforesaid appearance of both the sides.
- (vii) Record is to be sent back to the Reference Court immediately.
- (viii) The amount if any withdrawn by the claimants is to be retained by them and that is to be adjusted and that will be subject to the award which the Reference Court may make.

Sd/-
(T.V. NALAWADE, J.)

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