

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3126 OF 2013

IN

FIRST APPEAL NO. 989 OF 2008

Rambhau Narayan Dargude & Anr.

...Appellants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. P.N. Joshi, for the Appellants.

Mr. P.S. Pawar, AGP for Respondent No. 1-State.

Mr. Amey Deshpande, for Respondent No. 2.

CORAM : R.M. SAVANT, J.

DATE : 28th July 2016

PC. :

1. The above Civil Application has been filed by the Applicants/original Appellants No. 1 and 2 for correction of the cause title of the above First Appeal by removing/deleting the Respondent No. 2 herein who has been shown as Appellant No. 3 in the above First Appeal. The above First Appeal arose out of the Award passed by the Reference Court in the Land Reference No. 114 of 1994. The

above First Appeal came to be disposed of by a learned Single Judge of this Court by Order dated 9th June 2008. However, it seems that the learned Counsel appearing for the Applicants/Appellants had addressed a letter dated 20th April 2002 to the learned Registrar of this Court for deletion of the name of the Appellant No. 3 from the cause title, as the learned Counsel did not have the Vakalatnama of the said Appellant No. 3. Insofar as the said letter is concerned, it seems that the same was not acted upon, as even at the hearing of the above Appeal, the Appellant No. 3 continued as such. The deletion of the Appellant No. 3 is sought on the ground that the Appellant No. 3 has relinquished his rights in favour of the Appellants No. 1 and 2. It seems that insofar as the said relinquishment is concerned, the parties are involved in Regular Civil Suit No. 4 of 2015. Hence, insofar as the said aspect is concerned, the issue will be decided in the said proceedings. however, insofar as the instant First Appeal is concerned, the learned Counsel appearing on behalf of the Appellants admittedly does not have the Vakalatnama of the Appellant No. 3.

2. In my view, therefore, since the learned Counsel does not have the authority to represent the Appellant No. 3, his name is

required to be deleted from the cause title of the First Appeal. However, it is made clear that the deletion of the Appellant No. 3 would not impinge upon his right to claim a share in the additional compensation which would be decided in the proceedings pending i.e. the Regular Civil Suit No. 4 of 2015 or any other proceedings that may be filed by the parties. It is further made clear that the deletion is only on the ground that the learned Counsel Shri. P.N. Joshi does not have the Vakalatnama of the Appellant No. 3. The Civil Application is allowed to the aforesaid extent and is disposed of.

[R.M. SAVANT, J.]