

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 514 OF 2005

NAMDEO SAHEBRAO THOSAR (DIED THROUGH L.RS.)
MAHADEV NAMDEO THOSAR & ORS
VERSUS
STATE OF MAHARASHTRA & ANR

WITH
FIRST APPEAL NO. 515 OF 2005

SANTOSH VITHALRAO ZUNGURE
VERSUS
STATE OF MAHARASHTRA & ANR

WITH
FIRST APPEAL NO. 516 OF 2005

VITHAL RAMRAO ZUNGURE
VERSUS
STATE OF MAHARASHTRA & ANR

WITH
FIRST APPEAL NO. 517 OF 2005

ANANDRAO SAHEBRAO THOSAR
VERSUS
STATE OF MAHARASHTRA & ANR

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Advocate for Appellant : Mr. S.S. Shinde
AGP for Respondents 1 and 2: Mr. S.P. Sonpawale

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CORAM : V. K. JADHAV, J.
DATED : 31st JANUARY, 2017

PER COURT:-

1. Mr. Shinde, learned counsel for the claimants has brought to my notice the order passed by this Court dated 23.10.2015 in first appeal St. No. 23248 of 2012 with other connected appeals and submits that in some of the matters arising out of the same acquisition proceedings,

this Court has remitted the matters back to the Reference Court as acquiring body was not a party. In the present cases also the same scenario exist. This fact is also accepted by Mr. Sonpawale, the learned A.G.P. for the respondents.

2. The learned A.G.P. and Mr. Shinde, the learned counsel for the claimants request to adopt the same course and matters be remitted back.

3. In the light of that, impugned judgment and award passed by the Reference Court is quashed and set aside. The References are restored to their original position. The claimants shall add the present acquiring body as party to the said References. The parties shall appear before the Reference Court on 28.2.2017. The Reference Court shall give opportunity to all the parties to adduce evidence and so also give opportunity to acquiring body to file written statement. The acquiring body shall file written statement within one month from the date of appearance before the Reference court. Considering the fact that, the matters are remitted back, the Reference Court shall endeavour to dispose of the references expeditiously and preferably within a period of nine (09) months from the date of appearance. First appeals accordingly are disposed of. No costs.

(V. K. JADHAV, J.)