

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 CA/9148/2017 IN FIRST APPEAL NO.4229 OF 2016

THE G.M.I.D.C. SINCHAN BHAWAN, AURANGABAD THR THE
EXECUTIVE ENGINEER, OSMANABAD I
VERSUS
SANGAMESHWAR SIDDHESHWAR SHETE AND ORS

WITH
CA NO.9225 OF 2017 IN FIRST APPEAL NO.4225/2016
WITH
CA NO. 9226/2017 IN FA NO.4222/2016
WITH
CA NO.9227/2017 IN FA NO.4224/2016
WITH
CA NO.9228/2017 IN FA NO. 4227/2016
WITH
CA NO.9229/20127 IN FA NO.4223/2016
WITH
CA NO.9230/2017 IN FA NO.4228/2016
WITH
CA NO.9231/2017 IN FA 4226/2016
WITH
CA NO.9232/2017 IN FA NO.4230/2016

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Advocate for Appellant : Mr. Tandale P.R.
Mr.PP More, Advocate For R/1;
Mr. CV Dharurkar, AGP for Respondents: 2 & 3;

CORAM : P.R.BORA, J.

DATE : 10th July, 2017.

PER COURT :

1) Except CA No.9225 OF 2017 IN FIRST
APPEAL NO.4225/2016, rest of the aforesaid

matters are not on Board. Taken on Board.

2) Heard Shri Tandale, learned Counsel appearing for the acquiring body Shri More, learned Counsel for Respondent No.1 and Shri Dharurkar, learned AGP appearing for the State.

2) In the present appeals, filed by the acquiring body, the State is made respondent. Learned Counsel appearing for the acquiring body submitted that, in fact, the funds are ultimately routed through the Government only and as such, the State must be appellant in the present matters. The learned Counsel tendered across the Bar a copy of letter dated 31st January, 2017 received to him from the Department, wherein also it is instructed to the learned Counsel to see that the State is transposed in all these appeals as co-appellant. It cannot be denied or disputed that though the acquiring body has filed the appeals, ultimately it will be the State, who will be providing the funds in all these appeals.

In the circumstances, in fact, if the State is made co-appellant, it will be in the interest of the State. I am, therefore, inclined to allow the applications. Hence, the following order.

ORDER

i) The applications are allowed in terms of prayer clause (A). Necessary amendment be carried out within a week.

ii) List all the matters for admission after two weeks, i.e. on 24th July, 2017. C.As. Stand disposed of.

(P.R.BORA,J.)

bdv/