

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

906 FIRST APPEAL NO. 1392 OF 2007
WITH FA/410/2008

SHAHURAO DEORAO THOSAR

VERSUS

STATE OF MAH THR COLLECTOR BEED & ANR

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Advocate for Appellant : Mr. S.S. Shinde, h/f Mr. T. B.
Bhosale

AGP for Respondents: Mr. S.M. Ganachari.

CORAM : K. L. WADANE, J.

DATE : 8th December, 2017

ORDER:

1. Mr. Shinde, learned counsel for the claimants has brought to my notice the order passed by this Court dated 31.01.2017 (Coram : V.K. Jadhav, J.) in First Appeal No. 514/2005 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. Ganachari, 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 23.01.2018. 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. The first appeals accordingly disposed of. No costs.

(K. L. WADANE, J.)

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