

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

CIVIL APPLICATION NO. 9638 OF 2016
IN FAST/18551/2016

THE GMIDC AURANGABAD THR THE EXECUTIVE ENGINEER, MINOR
IRRIGATION DIVISION, OSMANABAD.

VERSUS

VITHAL KISAN NIKAM

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Advocate for Applicant No.1 : Mr. P. R. Tandale.

AGP for Applicants No. 2, 3 : Mr. N. R. Pawade h/f. Mr. L. C. Patil.

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**WITH CA/9640/2016 IN FAST/18638/2016
WITH CA/9643/2016 IN FAST/18634/2016
WITH CA/9646/2016 IN FAST/18630/2016
WITH CA/9649/2016 IN FAST/18626/2016
WITH CA/9652/2016 IN FAST/18622/2016
WITH CA/9655/2016 IN FAST/18618/2016
WITH CA/9658/2016 IN FAST/18614/2016
WITH CA/9661/2016 IN FAST/18610/2016**

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CORAM : K.K. SONAWANE, J.

DATED : 15TH DECEMBER, 2017.

Order :-

Heard learned counsel for applicant- Acquiring Body.

2. Perused the application.
3. Issue notice to respondent/s (original claimant/s).
4. Mr. Pawade on instruction of Mr. L. C. Patil, learned counsel waives service for respondent/s (original claimant/s).
5. The present applications is filed for seeking leave to prefer appeal against the impugned Judgment and Award passed by the Reference Court.
6. It has been submitted that the Executive Engineer, Minor Irrigation Division, Osmanabad has already impleaded as party respondent in original petition filed under Section 18 of the Land Acquisition Act, 1894. The respondent Corporation has given an

authority to look after the project of irrigation in the Osmanabad Division. The applicant – Corporation is intending to agitate the findings of the Reference Court by filing First Appeal in this Court. In such circumstances, the applicant seeks permission to present appeal for redressal of grievances.

7. The learned counsel for respondent has no objection to grant the application.

8. In view of submissions and no objection on the part of claimant, the applications stands allowed in terms of prayer clause 'A'. The applicant is hereby permitted to present First Appeal against impugned Judgment and Award passed by the Reference Court. Accordingly, civil applications stand disposed of.

[K. K. SONAWANE]
JUDGE

rrd.