

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

CIVIL APPLICATION NO.9563 OF 2017 IN
FIRST APPEAL NO.2192 OF 2016

Venkat Nivarti Madne & ors. ... APPLICANTS

VERSUS

Subhash Nivrati Madne & ors. ... RESPONDENTS

.....
Shri A.B. Kale, Advocate with
Shri Shrikant E. Madne, Advocate for applicants
Miss Savita E. Madane, Advocate for respondent No.1
Shri S.N. Morampalle, A.G.P. for respondent No.2.
Shri S.S. Dande, Advocate for respondent No.4
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 22nd September, 2017.

ORAL ORDER:

1. By this Civil Application, the applicants seek intervention/ impleadment in First Appeal No.2192/2016 filed by the acquiring body, arising out of the order passed by the Reference Court, based on the consent decree, passed by the learned Civil Judge, Senior Division, Latur in Special Civil Suit No.128/2016.

2. It is not in dispute that the applicants were not

parties before the Land Acquisition Officer as well as before the Reference Court. Insofar as consent decree in civil suit is concerned, the applicants can file independent proceedings for enforcement of their rights under the said consent decree. Those rights cannot be enforced in this First Appeal filed by the acquiring body against the order of the Reference court under Section 18. The presence of the applicants would be neither necessary nor proper for adjudication of the disputes which are subject matter of this Appeal. We, therefore, pass the following order :

ORDER

Civil Application No.9563/2017 is dismissed. It is, however, made clear that this Court has not expressed any view on the rival claims made by the applicants against the non-applicants based on the consent decree passed by the trial Court.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/