

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

911 CIVIL APPLICATION NO. 11553 OF 2017

IN

FIRST APPEAL NO. 2404 OF 2016

The Executive Engineer,
Minor Irrigation Division,
Osmanabad

Applicant.

Versus

Dinanath Nagnath Mairan (Died)
Vijaya Dinanath Mairan
and others

Respondents.

Mr. S.G. Sangle, Advocate for applicant.

Mrs. M.A. Deshpande, A.G.P. for the State.

Mr. V.S. Tanwade, Advocate for respondent Nos.1 to 7.

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

Dated : 08-09-2017.

PER COURT :-

1. By this Civil Application, the applicant seeks transposition of respondent No.6 as co-appellant No.2. In paragraph 4 of the Civil Application, it is averred that the Water Resources Department, Government of Maharashtra, Mantralaya has informed

vide letter dated 20.11.2012 that where the Acquiring Body has preferred First Appeal, the interest of the State and Acquiring Body being common, the State of Maharashtra may be transposed as co-appellant.

2. Learned Counsel appearing for the respondent Nos.1 to 7 has no objection if the relief as prayed in this Civil Application is granted.

3. Civil Application No. 11553 of 2017 is accordingly made absolute in terms of prayer Clause (B). Amendment to be carried out within one week from today. The amended copy of First Appeal shall be served upon the learned advocate appearing for respondent Nos.1 to 7 within 2 weeks from the date of carrying out amendment. No order as to costs.

(**SUNIL K. KOTWAL**)
JUDGE

(**R.D. DHANUKA**)
JUDGE

vdd/