

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

918 CIVIL APPLICATION NO. 14390 OF 2016 IN FA/1619/2014
WITH CA/14391/2016 IN FA/1620/2014
WITH CA/14392/2016 IN FA/1621/2014
WITH CA/14393/2016 IN FA/1623/2014
WITH CA/14394/2016 IN FA/1625/2014
WITH CA/14395/2016 IN FA/1627/2014
WITH CA/14396/2016 IN FA/1626/2014

SUMANBAI RAGHUNATH MUNDE
VERSUS
THE G.M.I.D.C. THR THE EXECUTIVE ENGINEER LATUR
MINORIRRIGATION DEVELOPMENT AND

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919 CIVIL APPLICATION NO. 14560 OF 2016 IN FA/1837/2014
WITH CA/14317/2016 IN FA/1832/2014
WITH CA/14559/2016 IN FA/1833/2014
WITH CA/14561/2016 IN FA/1836/2014
WITH CA/14562/2016 IN FA/1835/2014
WITH CA/14563/2016 IN FA/1834/2014
WITH CA/14564/2016 IN FA/1831/2014
WITH CA/14565/2016 IN FA/1838/2014
WITH CA/14566/2016 IN FA/1839/2014

ANNASAHEB KISANRAO SHINDE
VERSUS
THE G.M.I.D.C. THR THE EXECUTIVE ENGINEER LATUR
MINORIRRIGATION DEVELOPMENT AND

...

Advocate for Applicant : Mr.G.K.Sontakke, Mr.P.G.Sontakke.
Advocate for Respondent No.2 : Mr. R.C.Patil (Absent).
AGP for Respondent No. 3 : Mr. B. A. Bagul.

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CORAM : K.K. SONAWANE, J.

DATED : 31st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant/s-original claimant/s and learned AGP for respondent State. None appears for respondent Acquiring Body.

2. The applicants are the original claimants, who are respondents in the appeals filed by appellant Acquiring Body. According to learned counsel for respondent-original claimant, considering the nature of subject matter, State Government be transposed as co-appellant in the appeals filed by acquiring body. He placed on record the order dated 21st September, 2016, passed by the learned Single Judge of this Court in Civil Application No. 12812 of 2016 and connected matters and submits that, in aforesaid matters, the learned Single Judge has allowed the applicants therein to transpose the State as co-appellant in the First Appeal filed by Acquiring Body. He further submits that, similar ratio be applied in these matters.

3. I have perused the applications as well as considered the submissions advanced on behalf of learned counsel for applicants-original claimants. The appellant Acquiring Body impleaded state as one of the respondents in the title clause of the appeal memo. In such circumstances, the original claimant who are one of the respondents can not claim to transpose the respondent/state as co-appellant. It is prerogative of the appellant to implead state as co-appellant or not. But, the claimants cannot exercise the right meant for appellant in this matter.

4. In view of the above, I do not find just and proper to pass similar order at the instance of original claimant/s. Hence, applications being inept deserve to be dismissed. Accordingly, applications stand dismissed.

[K. K. SONAWANE]
JUDGE

MTK.