

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

40 CIVIL APPLICATION NO. 16890 OF 2015
IN FA/2700/2010 WITH CA/14426/2017 IN X-OBJST/35938/2015

THE EXE ENGINEER M.I.D. JALNA
VERSUS
THE STATE OF MAH AND ORS

...
Advocate for Applicant : Mr. Sudhir G. Bhalerao
AGP for Respondents No.1 and 2: Mr. S.R. Yadav
Advocate for Respondent No. 3 : Mr. P.A. Bhosale, h/f
Mr. A.B. Kale
...

CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant and learned AGP for respondents No. 1 and 2 and learned counsel for respondent No. 3 original claimant. Perused the application. The present application is filed to transpose respondents No. 1 and 2 State Authorities, as co-appellants in this matter.

2. Learned AGP fairly conceded that there are no instructions about same nor respondent-State has filed any appeal in this matter. In such circumstances, it would be cumbersome to appreciate the contention put forth on behalf of applicant-appellant. Respondents No. 1 and 2 cannot be compelled to join as co-appellants in the proceedings. There are no instructions received to the learned AGP for such transposition from the

appropriate authority. Moreover, it is to be noted that there is no such legal provision available to allow transposition of the respondents State authorities to join the proceedings of the appeal filed by Acquiring Body as co-appellants. Hence, application being inept deserves to be dismissed. Accordingly, application stands dismissed. No order as to costs. Learned counsel for the applicant to communicate the same to concerned office of the Acquiring Body for requisite action.

[K. K. SONAWANE]
JUDGE

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