

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

FIRST APPEAL NO.368 OF 2008

(State of Maharashtra and another Vs. Vithal Pandhari Sananse and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri M.A. Kadu, AGP for Appellants.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.
DATE: 6th JUNE, 2017.

The Civil Application No.1852/2008 is filed for seeking impleadment in the first appeal, whereas the Civil Application No.1887/2007 is filed similar relief with the addition of the prayer of remand. The ground on which both these applications are filed is that the applicant is acquiring body, and hence it was required to be joined as party before the Reference Court as well as before this Court.

The learned counsel for the applicant is not present before the Court when matter is called out.

Considering the fact that the applicant is now an acquiring body, the impleadment of the applicant in this appeal appears to be necessary.

However, so far as the prayer of remanding the matter after impleadment to the Trial Court, it is absolutely not necessary as the reference before the Trial Court was tried on merit. Hence, the Civil Application No.1852/2008

is allowed. The appellant is directed to carry out necessary amendment for impleadment of the applicant, whereas the stay application accordingly disposed of.

The Civil Application No.1887/2007 for remand of the matter however, stands dismissed and disposed of.

Amendment be carried out within a period of two weeks from today.

Stand over to 20.06.2017.

JUDGE