

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

C.A.F. No. 3366/2017 IN FIRST APPEAL No. 542/2015

(THE EXE. ENGINEER, LOWER WARDHA PROJECT DIVISION, V.I.D.C. -vs- TAIYAB ALI
AHMAD AND OTHERS)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V.G. Palshikar, counsel for appellant.
Shri D.S. Lambat, counsel for respondent nos.1 to 3.
Shri V.N. Patre, counsel for respondent nos.6 and 7.
Ms. R.V. Kalia, AGP for respondent nos.4 and 5.

CORAM: S.B. SHUKRE, J.

DATE : SEPTEMBER 21, 2017.

Heard.

By the order passed this date, this Court has allowed the present appeal on the ground that respondent nos.6 and 7 having been not joined as parties to the reference application, though they were necessary parties, award passed by the reference court under Section 18 of the Land Acquisition Act stood vitiated and as such, the reference application has been remitted back to the reference court for its decision afresh in accordance with law.

In view of above, it is inevitable that some relief is also given to the respondent nos.6 and 7, who have filed this application. Accordingly, this application is partly allowed and respondent nos.6 and 7 are permitted to withdraw an amount of Rs.5,00,000/- each from the amount already deposited in this Court by the appellant, on each of them furnishing usual undertaking

to the satisfaction of the learned Registrar, within two weeks, from the date of the order.

The balance amount be transferred to the reference court where it shall be held in deposit till final disposal of the reference application and shall be subject to the directions issued by reference court while deciding finally the reference application.

Application is disposed of.

JUDGE

Yenurkar