

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

C.A.F. No. 2799/2015 IN FIRST APPEAL ST. No. 10988/2015

(V.I.D.C. THROUGH ITS EXE. ENGINEER, MINOR IRRIGATION DIVISION NO.2, AKOLA -vs-
PARASHRAM LODU TAYADE (DEAD) SMT. GANGUBAI PARASHRAM TAYADE 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 Vinay Dahat, counsel for applicant.
Shri Amol Darekar, counsel for respondent nos.2 to 9.
Ms. T.H. Udeshi, AGP for respondent no.10.

CORAM: S.B. SHUKRE, J.

DATE : SEPTEMBER 21, 2017.

Heard Shri Vinay Dahat, learned counsel for the applicant, Shri Darekar, learned counsel for respondent nos.2 to 9 and Ms. Trupti Udeshi, learned AGP for respondent no.10.

It is seen that the Corporation was not made a party before the reference court in its own name. The Corporation is the beneficiary and it is the Corporation which is going to pay the compensation. Therefore, now, as settled by the Hon'ble Apex Court in the case of Vidarbha Irrigation Development Corporation -Vs- Santosh Janba Warghane and another, 2017(4) Mh.L.J.64, the applicant would be a necessary party, without hearing which, award under Section 18 of the Land Acquisition Act, could not have been passed. Therefore, this application deserves to be allowed and it is allowed accordingly.

Leave to file appeal is granted. Application is disposed of.

C.A.F. No. 72/2016.

Heard Shri Vinay Dahat, learned counsel for the applicant, Shri Darekar, learned counsel for respondent nos.2 to 9 and Ms. Trupti Udeshi, learned AGP for respondent no.10.

Learned AGP for respondent no.10 submits that an appropriate order, in this matter, be passed.

Learned counsel for respondent nos.2 to 9 has opposed this application.

There is also considerable delay. But, the fact remains that this applicant was not a party to the proceedings before the reference court, and therefore, I am of the view that, this circumstance explains the delay, which has caused in the present case. Thus, I find that there is a sufficient cause available in the instant case for condoning the delay.

Application is hereby allowed. Delay is condoned. Appeal be registered.

Application is disposed of.

FIRST APPEAL ST. No. 10988/2015.

Heard Shri Vinay Dahat, learned counsel for the applicant, Shri Darekar, learned counsel for respondent nos.2 to 9 and Ms. Trupti Udeshi, learned AGP for respondent no.10.

ADMIT. Call for R and P.

C.A.F. No. 73/2016.

Heard. Appeal is admitted. The entire amount has also been deposited in this Court. Therefore, interim stay granted by this Court on 30/10/2015 is hereby confirmed on same conditions, till final disposal of appeal.

Application is disposed of.

JUDGE

Yenurkar