

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

920 FIRST APPEAL NO.531 OF 2006

BHIMRAO BAJIRAO AAGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Appellants : Mr. T. B. Bhosale
AGP for Respondent-State: Mr. S. N. Morampalle

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**CORAM : SUNIL K. KOTWAL, J.
DATE : DECEMBER 12, 2018**

PER COURT

1. Mr. T. B. Bhosale, learned counsel for the appellants / claimants has brought to my notice the order passed by this Court dated 31.01.2007 in First Appeal No. 514 of 2005 with other connected appeals and submits that in some of the matters arising out of the same acquisition proceedings, this Court has remitted the matters back to the Reference Court as acquiring body was not a party. In the present case also the same scenario exists. This fact is also accepted by the learned A.G.P. for the respondent.

2. The learned A.G.P. and Mr. T. B. Bhosale, the learned counsel for the claimants request to adopt the same course and matters be remitted back.

3. In the light of that, impugned judgment and award passed by the Reference Court is quashed and set aside. The Reference are restored to its original position. The claimants shall add the present acquiring body as party to the said Reference. The parties shall appear before the Reference Court on 28.02.2019. The Reference Court shall give opportunity to all the parties to adduce evidence and so also give opportunity to acquiring body to file written statement. The acquiring body shall file written statement within one month from the date of appearance before the Reference Court. Considering the fact that, the matter is remitted back, the Reference Court shall endeavour to dispose of the reference expeditiously and preferably within a period of nine (09) months from the date of appearance. First Appeal accordingly is dispose of. No costs.

[SUNIL K. KOTWAL, J.]

vsm/-