

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.10857 OF 2017 IN
FIRST APPEAL NO.519 OF 2018

Godavari Marathwada Irrigation
Development Corporation, Aurangabad Applicant

Versus

Manohar s/o Harishchandra Aradwad
and another Respondents

Mr.S.B.Patil, advocate for the applicant
Mr.P.G.Sontakke, advocate for Respondent No.1.
Mr.A.M.Phule, A.G.P. for Respondent No.2.

CORAM : M.S.SONAK, J.
DATE : 05th February, 2018.

P.C. :

There is no difficulty in granting the relief applied for in the application for transposition. However, learned Counsel for the appellant submits that appellant no.1-Godavari Marathwada Development Corporation will be represented by one lawyer and the State of Maharashtra, which is now sought to be transposed as appellant, will be represented by another lawyer i.e. Government Pleader.

This is not permissible. If, at all, the State of Maharashtra is to be transposed as appellant, then, all the appellants will have to be represented by one lawyer.

Learned Counsel for the appellant seeks to rely upon some Government Circulars issued by the Secretary, which directs

the Godavari Marathwada Development Corporation to implead the State of Maharashtra as co-appellant since, both of them are having common interest.

Such circulars cannot override the law. As noted earlier, there is no difficulty in permitting transposition, provided that all the appellants are represented by one and the same lawyer. Since, learned Counsel for the appellant submits that this is not possible, the application for transposition is dismissed.

M.S.SONAK
JUDGE

adb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.519 OF 2018

Godavari Marathwada Irrigation
Development Corporation, Aurangabad Appellant

Versus

Manohar s/o Harishchandra Aradwad
and another Respondents

WITH
FIRST APPEAL NO.520 OF 2018

Godavari Marathwada Irrigation
Development Corporation, Aurangabad Appellant

Versus

Harishchandra s/o Irappa Aradwad
and another Respondents

Mr.S.B.Patil, advocate for the applicant
Mr.A.M.Phule, A.G.P. for Respondent No.2.
Mr.P.G.Sontakke, advocate for Respondent No.1.

CORAM : M.S.SONAK, J.

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P.C. :

Heard.

Admit.

Mr.P.G.Sontakke, advocate waives service of notice on
behalf of Respondent No.1. Learned A.G.P. waives service of notice
on behalf of Respondent No.2.

**M.S.SONAK
JUDGE**

adb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9596 OF 2017 IN
FIRST APPEAL NO.519 OF 2018

Godavari Marathwada Irrigation
Development Corporation, Aurangabad Applicant

Versus

Manohar s/o Harishchandra Aradwad
and another Respondents

WITH
CIVIL APPLICATION NO.9594 of 2017 in
FIRST APPEAL NO.520 OF 2018

Godavari Marathwada Irrigation
Development Corporation, Aurangabad Applicant

Versus

Harishchandra s/o Irappa Aradwad
and another Respondents

Mr.S.B.Patil, advocate for the applicant
Mr.P.G.Sontakke, advocate for Respondent No.1.
Mr.A.M.Phule, A.G.P. for Respondent No.2.

CORAM : M.S.SONAK, J.
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P.C. :

The execution of the impugned judgment and awards are stayed subject to the appellant depositing entire awarded amount together with interest in this Court within a period of eight weeks from today. If no such deposit is made, then stay order to vacate without further reference to this Court. If deposit is made,

Respondents-claimants are granted liberty to withdraw 50% of the deposited amount by filing an undertaking that such withdrawal shall abide by final orders in the appeal.

Civil Applications are disposed of.

M.S.SONAK
JUDGE

adb