

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9107 OF 2014
(Madhubala Ulhas Rane Vs. Sarswati Ishwar Bhardwaj)

Mr.N.C.Garud, Advocate for the petitioner.
Mr.Govind Kulkarni h/f Mr.A.S.Kale, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 10/01/2018

PER COURT :

1. The petitioner/original plaintiff is aggrieved by the order dated 22/12/2013 by which the Trial Court has rejected application Exh.83 by which the plaintiff had sought leave to amend the plaint for adding the special Land Acquisition Officer and the State of Maharashtra as defendant Nos. 2 and 3.

2. Contentions of the plaintiff are that a portion of the suit land has been acquired during the pendency of RCS No.76/2012. The plaintiff is a purchaser of the suit land on the basis of an agreement to sale dated 30/12/1993. Entire compensation has been received by the defendant posing as the owner of that portion of the land which was acquired. Hence, addition of the two parties is necessary.

3. Learned Advocate appearing on behalf of the defendant

submits on instructions that it is admitted that an agreement was entered into by the defendant with the acquiring body. It is also admitted that the compensation in the form of Rs.1,27,000/- has been received by the defendant.

4. In my view, when it is admitted that an agreement was entered into and compensation amount is received by the defendant, no purpose will be served by adding the S.L.A.O. and the State as defendants.

5. The petitioner submits that the challenge to the order dated 17/02/2014 passed by the Appellate Court concluding that Misc.Civil Appeal No.5/2014 filed by the plaintiff is not maintainable as the order is not appealable, is not being pressed.

6. Considering the above, the impugned order can neither be termed as being perverse nor erroneous.

7. Considering the above, this petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)